

Building (Scotland) Act 2003 Enforcement Action



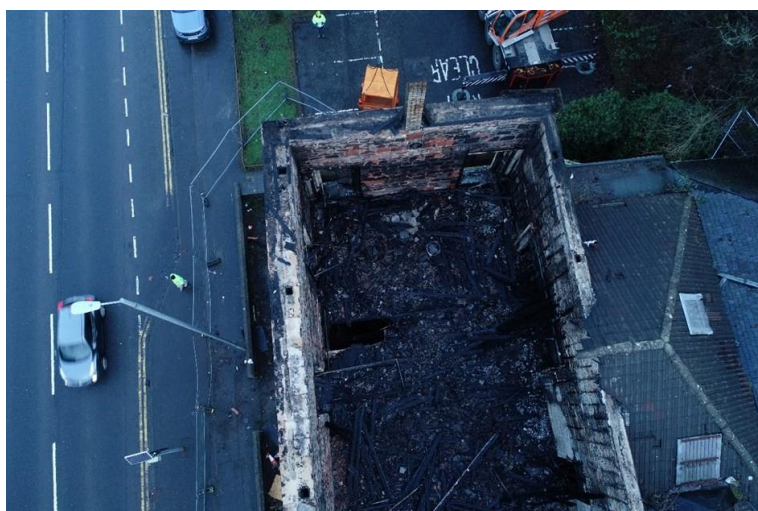
One of the major aspects of building standards work is to secure the health, safety and welfare of persons in or about buildings as set out in terms of the Building (Scotland) Act 2003. Building owners are responsible for preventing their buildings falling into a dangerous condition. The powers given to the local authorities by the Building (Scotland) Act do not diminish this responsibility but are merely a 'safety net' that must be used to protect the public. From November 2020 to March 2021, the Building Standards Service have dealt with 93 Property Complaints of which 17 Dangerous Building Notices were served under Section 29/30 of the Building (Scotland) Act 2003 on the building owners requiring them to carry out the appropriate remedial action all in the interest of public safety.

The Building Standards Service had to undertake direct action on 11 occasions in this period for which the Service will pursue debt recovery. The most notable during this period was a fire at 24 Sturrock Street, Kilmarnock. The former Conservative Club, Sturrock Street, Kilmarnock had been subject to repeated arson attacks and acts of vandalism over a number of years and there was extensive damage to all parts of the building. The building had become a resource issue for numerous public bodies including East Ayrshire Council Building Standards, the Fire Authority and Police Scotland.

The ownership of the building had become complicated in recent years and East Ayrshire Council Building Standards had secured and made the building safe on numerous occasions. Prior to the fire on the

20th December 2020 East Ayrshire Council had been considering proposals to try and safeguard the building.

In relation to the action taken by Building Standards, the building was extensively damaged by the fire on the 20th of December to the extent that an internal survey of the building was not possible. Due to the extensive damage it was not safe to access all internal areas and a survey had to be undertaken via drone footage and a crane and man basket. From the survey the Structural Engineer recommended demolition of the building. The rear elevation of the main building showed significant settlement and evidence of the rear façade spreading outwards towards the neighbouring building. The structural engineer concluded the



building was unstable, their recommendation was that the building will require to be demolished in the interests of public safety. The building was safely demolished and sandstone from the front elevation of the building was taken and stored at a council facility. Any works undertaken were proportionate to the risk and as many features from the existing building were retained for use in other projects within the area. All Current Notices served under Section 29/30 of the Building Scotland Act can be found on The Building Standards Register on the Council Web site at; <http://gis.east-ayrshire.gov.uk/BuildingStandardsRegister/>



Improved fire safety for new flats and social homes

Work on fire safety, including greater provision of automatic fire suppression systems, was proposed as part of the Ministerial Working Group on Building and Fire Safety, formed following the Grenfell Tower fire in London in 2017.

An important part of this work was to increase the provision of automatic fire suppression systems. The changes mean that all new-build: social homes; flats; and shared multi-occupied residential buildings must be fitted with automatic fire suppression systems from March 2021. Previously the only requirement in domestic properties where they were in high rise blocks of flats above 18 metres.

On 22 May 2018 David Stewart MSP lodged a final proposal for a Social Housing (Automatic Fire Suppression Systems) (Scotland) Bill. There were 354 responses to the consultation and the Bill received cross party support.

The Scottish Government confirmed on 20 June 2018 that it would initiate legislation, within the current Parliamentary session, to require new-build social housing to be fitted with automatic fire suppression systems before the end of the current Parliamentary session. As the building standards already required automatic fire suppression systems in high rise flats the option to extend the mandatory requirements was the preferred route for social housing as well as all flats and shared multi-occupied residential buildings.

Between June and September 2018, the Scottish Government consulted on a range of proposals to improve fire safety in new buildings. There were 222 responses to the consultation. Following the laying of regulations on 9 September 2020, the changes are detailed within the Building Standards Technical Handbooks.

Monthly Performance Figures

Monthly performance figures for Building Warrant applications received, processed and determined by the Building Standards Section over the last 9 months.

2020/21	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Building Warrants Received	91	87	84	97	88	87	61	111	107
% of Building Warrant applications processed within 15 working days	98%	99%	92%	99%	97%	100%	98%	100%	95%
% of Building Warrant applications processed within 20 working days	99%	100%	100%	100%	100%	100%	100%	100%	100%
and assessed within an average of	6 days	6 days	8 days	5 days	4 days	4 days	4 days	4 days	6 days
Building Warrants determined	43	51	102	100	67	85	61	78	89
% of Building Warrants determined within 6 days of receipt of all outstanding information	88%	59%	73%	80%	94%	94%	95%	95%	97%
Received Completion Certificate submissions	86	65	66	257	67	84	61	90	142
which were inspected within an average of	2 days	2 days	1 day	2 days	2 days	2 days	2 days	2 days	1 day
% of Completion Certificates determined within 3 days of final inspection	42%	42%	64%	91%	45%	81%	100%	100%	99%
Inspected Property complaints relating to enforcement	13	22	14	16	18	7	9	15	18
Enforcement notices issued in relation to	1	2	4	2	1	4	2	3	5