



NFCC
National Fire
Chiefs Council

Michelle Williamson
Building Standards Division
Scottish Government
Denholm House
Almondvale Business Park
Livingstone EH54 6GA

The professional voice of the
UK Fire & Rescue Service

National Fire Chiefs Council
West Midlands Fire Service
99 Vauxhall Road
Birmingham
B7 4HW

Sent via email to: buildingstandards@gov.scot

Telephone +44 (0)121 380 7311
Email info@nationalfirechiefs.org.uk

24th October 2020

Dear Michelle,

Draft Scottish Advice Note: Determining the fire risk posed by external wall systems in existing multi-storey residential buildings

Please find attached the National Fire Chiefs Council (NFCC) response to the consultation paper published on 30 July 2020 concerning the draft '*Scottish Advice Note: Determining the fire risk posed by external wall systems in existing multi-storey residential buildings*'

NFCC is the professional voice of the UK fire and rescue services (FRS) and is comprised of a council of UK Chief Fire Officers. This submission was put together by NFCC's Protection Policy and Reform Unit (PPRU).

NFCC supports the provision of an advice note which specifically addresses external wall systems in the context of Scotland's legislative and regulatory framework.

Overall, the advice is helpful in setting out an overview of the steps necessary to assess the risk presented by external wall systems, alongside the processes applicable to buildings in Scotland. However, it is unclear whether current legislation provides a means to ensure remediation of an unsafe external wall system where it is deemed necessary. We have made comment on this matter in response to Q.1.

We trust the attached submission is helpful and welcome further discussions following the outcome of the consultation.

If you wish to discuss this then please contact a member of the NFCC Building safety Programme team who will be happy to assist BuildingSafetyTeam@nationalfirechiefs.org.uk.

Yours sincerely,

Nicholas Coombe

NFCC Building Safety Team



Scottish Advice Note: Determining the Fire Risk Posed by External Wall Systems in Existing Multi-Storey Residential Buildings

Respondent Information Form

Please Note this form **must** be completed and returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

National Fire Chiefs Council (NFCC)

Title Mr Ms Mrs Miss Dr *Please tick as appropriate*

Surname

Coombe

Forename

Nicholas

2. Postal Address

National Fire Chiefs Council

West Midlands Fire Service

99 Vauxhall Road

Birmingham

Postcode B7 4HW

Phone +44 (0)121 380 7311

Email

info@nationalfirechiefs.org.uk

3. Permissions - I am responding as...

Individual

/

Group/Organisation

Please tick as appropriate

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate Yes No

- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate Yes No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

Yes

No

Questions

Please provide comments to set out the reason for your answer where possible.

1. Overall, do you find the advice helpful in understanding the guidance, legislation and processes as they apply to buildings in Scotland?

Yes

Comments:

Overall, the advice is helpful in setting out an overview of the legislative and regulatory processes applicable to buildings in Scotland.

However, it is unclear whether the current legislation provides a means to ensure remediation of an unsafe external wall system where it is deemed necessary. For example, in the case of product substitution where it is found that a submitted completion certificate is inaccurate to the extent that it has resulted in an unsafe building. The Advice Note explains that it is an offence under The Building (Scotland) Act 2003 to submit a false or misleading completion certificate, however, it is unclear what process is in place to ensure an unsafe building is remediated where necessary, and who can ensure this happens. The Advice Note should outline a process for enforcing remediation where the circumstances warrant it. Part 1 of the Advice Note would benefit from some clarity on this matter.

2. Does the advice clearly explain the risk of external fire spread in both low rise and higher rise buildings?

Yes

Comments:

Section 2.5 – Buildings under 11m

The third paragraph of this section advises “*in buildings under 11m, remediation, if required, may only be necessary for buildings which are considered higher risk e.g. hospitals, care homes, and other premises with delayed evacuation.*”

We recommend that ‘specialised housing’ (as defined in BS9991 or [NFCC Specialised Housing Guidance](#)) is included in the examples due to the vulnerability of occupants.

3. Does the advice clearly explain the risk of Metal Composite Material (MCM) cladding?

Yes

Comments:

4. Does the advice clearly explain the risk posed by Category 3 Aluminium Composite Material (ACM) with an unmodified polyethylene filler, and what actions building owners should take if their buildings have these systems?

Yes

Comments:

The strong recommendation that extensively clad Category 3 MCM external wall systems should be removed without delay is clear. As per our response to Q.1 above, it is unclear what action can be taken, or by whom, to ensure this happens in circumstances where the building owner chooses not to follow the advice. This should be clarified in the Advice Note.

5. Is the guidance on non-ACM cladding (including High Pressure Laminate) panels helpful?

Yes

Comments:

The UK Government's Independent Expert Advisory Panel was clear on the potential risks associated with Euroclass C and D HPL, and any HPL panels used in combination with combustible insulation.

6. Is the guidance on partial cladding helpful?

Yes

Comments:

7. Does the guidance clearly explain the difference between a fire safety risk assessment which considers external wall systems and one that requires an intrusive external wall appraisal?

Yes

Comments:

This is set out clearly in section 1.7

8. Is the guidance clear on when a fire safety risk assessment may need to be informed by an intrusive external wall appraisal?

Yes

Comments:

This is set out clearly in section 1.7

9. Is there any guidance that is missing or needs to be improved to provide greater clarity?

Yes

Comments:

The references to other sections within the Advice Note should be checked for accuracy. For example, section 2.5 paragraph 1 advises, "*the fire safety risk assessment must also take into account factors in section 1.5.*" We assume this should refer to section 1.7 'Fire Safety Risk Assessment and External Wall System Appraisals'. Section 2.3.1.f is another example.

10. Are there any other relevant comments you would like to make?

Section 3.1 Paragraph 5 (page 20) refers to NFCC document '*Guidance to support a temporary change to a simultaneous evacuation strategy in purpose-built block of flats (2018)*'. This guidance has been updated with a third edition (01/10/2020) since Version 3.0 of the Draft Advice Note was published. The updated guidance can be found [here](#).