



Supporting Building Standards in Scotland

Memorandum of Understanding (MOU)

between the

Scottish Building Standards Hub (SBSH)

and

Insert name Council

For matters related to building standards system services, operational partnerships, specialist expertise and learning and development.

Version 1.3: 7th March 2024.

Purpose of this Memorandum of Understanding

This Memorandum of Understanding (MOU) sets out the framework and principles for a working relationship between:

Scottish Building Standards Hub (SBSH)

based at
Fife Council
Fife House
North Street
Glenrothes
KY7 5LT

and

Insert name Council

Insert address line 1

Insert address line 2

Insert address line 3

Insert post code

This MOU is not legally binding and has been developed between the SBSH and the Building Standards Futures Programme Board Delivery Model Development Group (DMDG).

This MOU sets out the principles of engagement between the parties in relation to the range of building standards system services and activities that the SBSH will provide for the benefit of Scottish local authorities in support of a strengthened building standards delivery model.

This MOU does not alter the existing commitment and continued support between local authorities and LABSS as their member organisation representing all 32 local authority building standards services, thus being the primary communications, engagement, and collaboration link between the SBSH and local authorities.

This MOU between the SBSH and all Scottish local authorities is strengthened and supported by a separate MOU that exists between the SBSH and LABSS, which confirms the mutually beneficial relationship, engagement, and communication strategy between those organisations.

The SBSH and its place within the building standards delivery model are stated within the Scottish Governments Building Standards Operating and Performance Frameworks for Verifiers, confirming the collaborative links set out in this MOU.

Overview of Parties

Scottish Building Standards Hub (SBSH):

The SBSH is a non-political independent entity which is hosted within Fife Council with oversight and strategic direction from its appointed 'Advisory Board'.

The vision of the SBSH is *to support transformation and quality in building standards services across Scotland*, with its high-level objectives being to:

- Increase consistency.
- Increase capacity.
- Provide resilience.
- Drive efficiencies.
- Ensure investment in skills and new technology.

It will deliver on these objectives across these areas of work, being:

- The provision of building standards system services. (STAS, Dispute Resolution Process, Information Papers.)
- Supporting hubs of expertise, expert advice, and operational partnerships.
- Supporting learning and development.
- Supporting workload sharing between local authority verifiers.

Insert name Council:

In the context of this MOU, the local authority is the verifier appointed by Scottish Ministers for their own geographical area.

The verifier's role is to protect the public interest by providing an independent check of applications for building warrants to construct, alter, extend, or demolish buildings, to provide services, fittings, or equipment in buildings, or to convert buildings.

In addition to this verification role, the local authority is required, under the Building (Scotland) Act 2003, to deal with enforcement matters relating to building compliance and defective or dangerous buildings.

1. Role of the Scottish Building Standards Hub (SBSH) in respect of this MOU:

- 1.1. The SBSH will maintain and manage a central resilience hub offering access to expertise, a range of building standards system services and access to learning and development, supported by strengthened regional partnerships.
- 1.2. The list of services and activities delivered by the SBSH to local authority verifiers are detailed in the MOU Annex A document.
- 1.3. The building standards system services and access to expertise offered is to support the verification role carried out by local authorities as well as to support other local authority building standards activity.
- 1.4. The SBSH will provide advice and guidance to inform the local authority in their decision-making process, however the SBSH is not a verifier or a building standards service with any regulatory powers. The final decision on all matters will always lie with the local authority.
- 1.5. The SBSH will engage and collaborate with LABSS to ensure services and activities offered meet the local authority need.

2. Role of the Local Authority in respect of this MOU:

- 2.1. The local authority will continue to support LABSS by appointing a Technical Lead to represent the local authority position within their respective Consortium Group.
- 2.2. The local authority will continue to support LABSS by appointing a Lead to represent the local authority position within their respective Consortium Group.

3. Freedom of Information:

- 3.1. In relation to any request made for information to the SBSH, it is bound by the processes that exist within Fife Council regarding meeting its obligations under the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004.
- 3.2. In relation to any request for information made to the local authority, it is bound by the processes that exist within its own council regarding meeting its obligations under the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004.

4. Data Protection:

4.1. The SBSH is bound by the processes that exist within Fife Council regarding meeting its obligations under the General Data Protection Legislation (GDPR) / Data Protection Act 2018.

4.2. The local authority will be bound by the processes that exist within its own Council regarding meeting its obligations under the General Data Protection Legislation (GDPR) / Data Protection Act 2018.

5. Complaints:

5.1. Complaints received by the SBSH will be dealt with in accordance with 'Fife Council Complaints Handling Procedure (Version 3 / valid from May 2023)' or as amended.

5.2. Complaints received by the local authority will be dealt with through their own complaint procedure.

6. Indemnity:

6.1. Each party shall ensure that their corporate body holds sufficient protection in terms of indemnity insurance to enact their role as described within this MOU.

6.2. All Scottish local authorities are members of the Scottish Type Approval Scheme (STAS) as per their declaration to join the said scheme as originally set up by LABSS predecessor; The Scottish Association of Chief Building Control Officers (SACBCO) through discussion with the Convention of Scottish Local Authorities (CoSLA).

6.3. STAS will remain a LABSS scheme, but it is one of the building standards system services transferring to the SBSH in terms of the application assessment process and its management.

6.4. Upon joining the STAS scheme all members undertook to pay their annual membership subscription and to ensure they held sufficient indemnity insurance to participate in it.

6.5. Local authorities **will not** pay a STAS fee to the SBSH. Local authority membership of LABSS is a matter for LABSS and its members.

6.6. For clarity the indemnity undertaking was:

In terms of the Rules of Membership of the Scottish Type Approval System [STAS], we (the council) do hereby confirm that our Public Liability Insurers (name of company) have agreed and approved this our undertaking, and have evidenced same by their endorsement below, that in the event of a claim arising in respect of any work shown on plans passed by us under

the Building Standards (Scotland) Regulations on evidence of a Type or System Approval Certificate or on plans deposited with us in reliance on a Type or System Approval Certificate and in respect of which a notice of rejection has not been given within the relevant period from deposit, we shall not pursue any action or any other proceeding against any other Local Authority which is a member of the Scottish Type Approval System [STAS], or the said Scottish Association of Chief Building Control Officers dealing with type or system approval matters within the Scheme, any Officers of the participating Local Authorities and the said Scottish Type Approval System [STAS] or any other person or body concerned with the procedures relating to the Scheme; and, further, we shall indemnify and keep indemnified all the said Local Authorities, Officers, persons and bodies against all losses, damages, proceedings, costs and expenses whatsoever in respect of any claim.

- 6.7. Each local authority should re-appraise themselves of that agreement and its contents and ensure that they are still meeting the terms of the agreement in respect of their indemnity insurance capacity.
- 6.8. The SBSH has appraised itself to ensure that sufficient indemnity insurance is in place to enact its role.

7. Operation and Review of this MOU:

- 7.1. This MOU will come into force on the 24th May 2024 and will continue in operation until terminated.
- 7.2. This MOU may be terminated by either party giving a minimum of 6 months' notice, or immediately by joint agreement.
- 7.3. Any amendments proposed to this MOU are subject to agreement by the SBSH, its Advisory Board, and all 32 Scottish local authorities and shall be confirmed by a re-draft and re-issue of this MOU.
- 7.4. Should a dispute arise because of or in connection with this MOU, all parties involved shall attempt to negotiate a resolution within twenty (20) working days of notification of the issue.
- 7.5. Should this MOU agreement be terminated, all parties involved shall be formally notified in writing. This includes the SBSH Advisory Board and the Scottish Government Building Standards Division for reporting purposes.



Signatures:

Signature: Date: xx.xx.2024

Print Name: Insert Name

Role: Scottish Building Standards Hub Operational/Technical Director

Signature: Date: xx.xx.2024

Print Name: Insert Name

Role: Scottish Building Standards Hub Strategy Director

Signature: Date: xx.xx.2024

Print Name: Insert Name

Role: Chief Executive of Insert Name of Council

Nominated Representatives:

Insert name of representative.
Strategy Director
Scottish Building Standards Hub
Fife House
North Street
Glenrothes
KY7 5LT
Tel. No: insert telephone number.
Email Address: insert email address.

Insert name of representative.
Insert role of representative.
Insert name Council
Insert address line 1
Insert address line 2
Insert address line 3
Insert post code
Tel. No: insert telephone number.
Email Address: insert email address.

(If desired LA can nominate two representatives for continuity.)