



T: 0300 244 4000
E: scottish.ministers@gov.scot

Eileen Howat
Chief Executive
South Ayrshire Council

(By email)

(Copy to Head of Service)
(Copy to Building Standards Manager)

Our ref: A40851199

7 November 2022

**BUILDING (SCOTLAND) ACT 2003
APPOINTMENT OF VERIFIERS
DIRECTION AS TO THE EXERCISE OF FUNCTIONS OF A VERIFIER**

I am writing to inform you that I am appointing all thirty-two local authorities as building standards verifiers for a further period from 1 May 2023. My decision is based on each Council's performance as a verifier under the Building Standards Operating Framework and Performance Framework over the last three years.

South Ayrshire Council is appointed as building standards verifier for the geographical area for which the authority is responsible.

The appointment, under section 7(1) of the Building (Scotland) Act 2003, will commence on 1 May 2023 and be for a six year period to 30 April 2029.

I have received positive feedback from my officials about your progress and the evidence you have provided has been used to evaluate your service.

For your information, local authorities are being appointed for six years with conditions noted within the terms of the appointment set out in **Annex A**.

Scottish Ministers can give Directions under the Act as to the exercise of the functions of a verifier. A Direction is attached in **Annex B** with regard to paragraphs 9 and 10 of Schedule 2 of the Act (where a verifier has an interest in a building) and will be for the duration of the verifier appointment set out above.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



In all cases the appointment is dependent on the verifier continuing to meet the Building Standards Operating Framework and Performance Framework. This includes satisfying Scottish Ministers that the authority is meeting, and continues to meet, performance measures. Scottish Government officials monitor performance and support services with their continuous improvement plans. Scottish Ministers can also impose further measures to address performance issues.

I wish to acknowledge the improvements that your building standards service has made. In particular the significant improvement in performance, investment in staff and IT, as well as the steps to understand and improve customer satisfaction. I have noted the engagement of the building standards team in processes for continuous improvement and the wider commitment across the authority.

The work of the Futures Board to strengthen Compliance and Enforcement measures is likely to further increase the demands on services. You may also be aware of the Futures Board, Building Standards Hub Pilot project, established on 23 May 2022, which has started to administer some building standards system services, formerly operated by Local Authority Building Standards Scotland (LABSS). Building Standards Division will provide further information under separate cover, on the development of the Building Standards Hub and Strengthened Regional Partnerships. I would be grateful for your support with these initiatives to further strengthen the resilience of building standards at local and national levels.

I would like to take this opportunity to thank you and your building standards service for the commitment shown to the Building Standards Operating and Performance frameworks. I trust you will continue to invest in the service and provide the resources needed to continue to provide a high level of service.



PATRICK HARVIE

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot

INVESTORS IN PEOPLE™
We invest in people Silver



**APPOINTMENT OF VERIFIERS
SECTION 7(1)
BUILDING (SCOTLAND) ACT 2003**

Terms of appointment from 1 May 2023

South Ayrshire Council is appointed to carry out the functions of a verifier for their own geographical area under the Building (Scotland) Act 2003 (the Act). The appointment is from 1 May 2023 until 30 April 2029 and subject to the following terms –

South Ayrshire Council shall carry out the functions of a verifier under the Act. There shall be six months' notice of any proposals for variation or termination of the appointment.

South Ayrshire Council shall abide by the Operating Framework published by the Scottish Government in terms of –

- Integrity and operational resilience
- Administration of building warrant applications and completion certificate submissions
- Maintain records and systems to facilitate effective business operation and periodic audit by Scottish Government.

South Ayrshire Council shall abide by the Performance Framework published by the Scottish Government in terms of –

- Professional expertise and technical processes
- Quality customer experience
- Operational and financial efficiency.

The six year appointment period is conditional on the ability of South Ayrshire Council's building standards service to sustain and improve performance and ensure there is no reversal of performance or investment levels. Appointment periods may be subject to further review with targeted interventions such as audit or peer review, as necessary.

Continuous Improvement

South Ayrshire Council shall include actions and intended outcomes in their continuous improvement plan to address the aspects of their service identified below for improvement within the first year of appointment. This should be included in the Annual Verification Performance Report published online by **30 June 2023** with progress reported in quarterly updates and discussed at engagement meetings with BSD:

- Sufficiently resourcing the service to ensure workforce supply will meet longer term demand projections to maintain operational resilience.

**DIRECTION
SCHEDULE 2
THE BUILDING (SCOTLAND) ACT 2003**

The Building (Scotland) Act 2003 (Verifiers Interest in Buildings) Direction 2023

The Scottish Ministers make the following Direction in exercise of the powers conferred on them by paragraph 9 of schedule 2 to the Building (Scotland) Act 2003⁽¹⁾ and all other powers enabling them to do so.

Citation, commencement and expiry

1.— (1) This Direction may be cited as the Building (Scotland) Act 2003 (Verifiers' Interest in Buildings) Direction 2023.

(2) This Direction commences on 1 May 2023 and ceases to have effect on 30 April 2029.

Verifiers' interest in buildings

2. The Scottish Ministers authorise South Ayrshire Council, as verifier appointed under section 7 of the Building (Scotland) Act 2003, to exercise its functions under that Act in respect of any building in which it has an interest⁽²⁾.

Any enquiries on this direction should be addressed to:

Stephen Garvin
Head of Building Standards
Building Standards Division
Scottish Government
0131 244 6533
stephen.garvin@gov.scot

⁽¹⁾ 2003 asp 8.

⁽²⁾ In accordance with paragraph 11 of schedule 2 to the Building (Scotland) Act 2003 a verifier has an interest in a building if it is an owner, tenant or occupier of the building or if it has such other interest in or in connection with the building as may be specified in procedure regulations.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot