

**Scottish Government: Scottish Building Regulations: Proposed review of fire safety topics including**

**Cameron House Hotel recommendations**

**Response from Propertymark**

**February 2025**

**Background**

1. Propertymark is the UK’s leading professional body of property agents, with over 18,000 members representing over 12,800 branches. We are member-led with a Board which is made up of practicing agents and we work closely with our members to set professional standards through regulation, accredited and recognised qualifications, an industry-leading training programme and mandatory Continuing Professional Development.<sup>1</sup>
  
2. To confirm the information required from the Respondent Information Form:
  - We are responding as an organisation
  - The full name of our organisation is Propertymark
  - The organisation’s relevant phone number is 01926 417789
  - Propertymark’s address is: 6 Tournament Court, Edgehill Drive, Warwick, CV34 6LG
  - You can contact the Propertymark Policy and Campaigns team at [policy@propertymark.co.uk](mailto:policy@propertymark.co.uk)
  - Please publish our response from “Propertymark”
  - We are content to be contacted again in relation to this consultation response

**Consultation – overview**

3. In December 2017, an inquiry was launched into the deaths of Simon Midgley and Richard Dyson. The subsequent Fatal Accident Inquiry report was published on 11 January 2023. This report included six recommendations, two of which included action to be taken by the Scottish Government. This consultation explores these recommendations, and a range of measures aimed at updating The Building (Scotland) Regulations 2004 and current fire safety guidance in order to improve the safety of buildings, particularly traditional buildings that have been converted into hotels.

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<sup>1</sup> <https://www.propertymark.co.uk/>

**Propertymark response – summary**

4. Propertymark welcomes the opportunity to respond to the Scottish Government’s consultation on the proposed review of fire safety topics including Cameron House Hotel recommendations. Propertymark is considerably invested in current fire safety issues related to both domestic and commercial property. In the aftermath of the Grenfell Tower fire, it is clear that there are thousands of buildings across the UK that require considerable review of their fire safety, in order to prevent further loss of life. However, despite the overwhelming public support for action to be taken, the pace in which properties are being made safer remains slow and has impacted the use and sale of high-risk buildings. Considering this, our response to this consultation is based on the following two positions:

- **The safety of occupants in high-risk buildings must be prioritised** – this has two key benefits. Firstly, maximising fire safety reduces the risk to harm to occupants. Secondly, reducing the risk to occupants helps to ensure buildings can be effectively bought and sold. If buildings are considered high risk, then financial institutions and insurance brokers especially are reluctant to offer loans, provide insurance or will do so at a much higher cost. This prevents the sale of these buildings and raises operating costs, which are passed down to occupants.
- **Disruption to the sector must be minimised** – the cost of raising fire safety standards must be reviewed, with financial support available for building owners who are looking to meet new standards. The Scottish Government must also implement an effective system of enforcement in order to ensure fire safety measures implemented are at a high standard. This will improve wider industry confidence that these buildings are safe.

**Questions**

**Question 1: Consideration given to mandating active fire suppression systems in conversions of historic buildings to use as hotel accommodation. Which of the two options is your preferred approach?**

**Option 1 - Mandate active fire suppression in regulation**

**Option 2 - Strengthen guidance on risk-based alternative approaches**

5. We would recommend option 1, with the caveat that it should be possible to install alternative methods to active fire suppression systems if it is not possible to install such systems or there are more effective alternatives in individual cases. This ensures all historic building conversions can benefit from greater fire safety systems, but it enables developers to install alternatives if active fire suppression systems are not feasible.
6. While option 2 has the benefit of avoiding a one-size-fits-all approach, ensuring more effective fire prevention measures can be installed where appropriate, we have concerns that failing to mandate the installation of fire prevention measures would leave many conversions unsafe in the event of a fire.
7. We accept that there will be some anticipated installation and maintenance costs associated installing mandatory fire suppression systems. However, the alternative leaves open the possibility that few fire prevention measures will be implemented. Not only does this put occupants at risk but it may cost more in the long-term. Since the Grenfell Tower fire, insurance premiums have increased considerably, impacting all buildings as their risk profiles have increased. Installing fire suppression systems would reduce the risk profile of the building, lowering insurance costs.

**Question 2: In the context of Option 1, do you consider the term 'hotel' needs to be defined?**

8. We strongly agree that 'hotel' needs to be defined in order to avoid confusion from business owners and to support enforcement bodies to take action against non-compliance. The definition should seek to avoid loopholes where buildings clearly used for the purpose of a hotel could circumvent their regulatory requirements on a technicality.

**Question 3: If either mandating active fire suppression or providing guidance on risk-based alternative approaches, do you consider there is a need to define the size and/or complexity of the building being converted?**

9. We would recommend against establishing the need for active fire suppression systems for hotels over a certain size or complexity. This will ensure that more hotels are covered and can better ensure the safety of occupants. What may be useful is establishing the need to set active fire suppression systems that are most suitable for different sizes, with guidance for hotel owners on

what is most suitable or requiring that they set up their suppression systems in collaboration with local Scotland Fire and Rescue Services.

**Question 4: Are there any further comments or observations you wish to make on the topic of active fire suppression relating to conversion of traditional buildings to hotels or on the options set out?**

10. In order to further improve the safety of buildings being converted into hotels, we would recommend that the process of assessing the most effective fire suppression system would be a good time to assess any cladding used in the building. This would help improve enforcement and the identification of flammable cladding so that it can be replaced.

**Question 5: We propose not to amend the wording of paragraph 2.4 of schedule 5 of the Building (Scotland) Regulations 2004. To what extent do you agree with this proposal?**

11. We agree with the proposal to not amend the following: “Every building must be designed and constructed in such a way that in the event of an outbreak of fire within the building, the spread of fire and smoke within cavities in its structure and fabric is inhibited.”

**Question 6: The Scottish Government publication 'fire safety guidance for existing premises with sleeping accommodation (2022)' is currently being reviewed. Please provide any comments on the guidance in the text box below with regard to the special risks which existing hotels and similar premises may pose through the presence of hidden cavities or voids, varying standards of workmanship, age, and the variance from current standards.**

12. Propertymark recommends noting the expertise of hotel owners and developers who have experience in dealing with hidden cavities or voids. Should the existing conditions of the market require wide-scale remediation or present a high-risk, Propertymark recommends the following two actions be taken. Firstly, remediation of existing risks should be accelerated as soon as feasible. This is because risks, when identified, have the potential to grind the market to a halt, as we have seen with the sale of domestic flats across the UK following the Grenfell Tower fire. Financial institutions and insurance brokers reassess how they determine risk and either are more reluctant to offer their services or increase their prices. This either prevents properties from being sold or increases costs. Secondly, the industry should be financially supported in resolving these issues.

This will enable hotels to become safer for occupants more quickly and prevent the sale of these hotels from stalling

**Question 7: Although planned for review, it is proposed that the principles set out in the current Historic Environment Scotland guidance remains suitable guidance for special risks which existing hotels and similar premises may pose through the presence of hidden cavities or voids, varying standards of workmanship, age, and the variance from current standards. To what extent do you agree with this proposal?**

13. Upon review, we agree that the Historic Environment Scotland guidance remains suitable guidance for special risks.

**Question 8: We propose to change the guidance in the non-domestic technical handbook to recommend cavity barriers at 10m or 20m centres above fire resisting ceilings depending on the European classification for reaction to fire (A-F) of the surface exposed in the cavity. This provision would not apply to small floor or roof cavities above a fire resisting ceiling that extends throughout the building or compartment up to a maximum of 30 m in any direction. To what extent do you agree with this proposal?**

14. We neither disagree nor agree with this proposal. The effectiveness of this proposal should be considered by experts in fire safety. What Propertymark would recommend is a review of the cost to the industry in order to meet these requirements and for the Scottish Government to assess the level of enforcement required in order for the industry to meet their new obligations.

**Question 9: It is proposed that additional guidance as indicated below be included within clause 2.0.7 (alternative approaches) and clause 2.15.7 (Conversion of traditional buildings to hotel use) of the non-domestic technical handbook to strengthen and add to existing guidance. To what extent do you agree with this proposal?**

15. We agree. Even if our preference is for option 1, to make installing fire suppression systems on the conversion of a traditional building to hotel mandatory, we acknowledge that there may be some historic buildings where fire suppression systems may be incompatible with maintaining the historic nature of the building and there is a value in preserving such buildings. In these cases, we welcome additional guidance on alternative means but urge that installing fire prevention

measures should still be made mandatory. A solution to this would be to make it mandatory for local conservation authorities in collaboration with approved fire safety professionals to produce a report on the most optimal fire prevention measures and for those to be installed within a given timeframe.

**Question 10: It is proposed to amend standard 2.15 and guidance to recognise the current Direction for low-risk extensions and conversions to flats, maisonettes and social housing dwellings? To what extent do you agree with this proposal?**

16. We disagree with this proposal. While it is our understanding that extensions of only one additional dwelling or to increase the area of the dwelling present a low fire safety risk, stating that fire suppression systems are not required for any extension of this size may cause harm. In order to minimise risk, we would recommend those managing extensions ensure that a fire risk assessment from a qualified professional takes place in order to confirm the extension is low risk.

**Question 11: The building and fire safety expert working group await research results to arrive at a consensus view on the evidence base to mandate a requirement to extend the ban on combustible external wall cladding systems to hotels, boarding houses and hostels. Please confirm any evidence, contribution or initial comments that would help towards this policy decision.**

17. We see no reason why occupants of hotels, boarding houses and hostels would not be at risk if a fire were to break out in these buildings, which is more likely if combustible external wall cladding is present. Unless there is evidence to the contrary, the ban on combustible external wall cladding should apply to all buildings. If not, occupants would be at risk of harm or loss of life in the event of a fire and owners of these buildings could face considerable additional costs as financial institutions and insurance providers reassess the risk of these buildings.

**Question 12: The expert panel proposes the existing guidance on lath and plaster materials is fit for purpose and requires no further action in this context. To what extent do you agree with this proposal?**

18. We agree that the existing guidance is fit for purpose and have no comments to make.

**Question 13: The guidance provided in BS 5266-1 is considered to provide sufficient illumination to assist in escape at low level and satisfy the mandatory standard. Low level way finding systems may be used to supplement protected or emergency lighting and can be considered on a case by case basis as part of the fire risk assessment. It is proposed that this key message is strengthened in existing fire safety guidance. To what extent do you agree with this proposal?**

19. We agree with this proposal as this enables a fire risk assessor to consider the best course of action on a case-by-case basis. This prevents additional way finding systems or emergency lighting from being installed when not appropriate and additional systems to be installed when needed.

**Question 14: The expert panel proposes revision of guidance in standard 2.10 to remove the need for a separate and fire resisting escape route lighting circuit? To what extent do you agree with this proposal?**

20. We agree to some extent with the proposal. However, we would encourage that the requirement be replaced with a fire risk assessment of the need for a separate and fire resisting escape route lighting circuit. Ensuring all buildings review the need for separate and fire resisting escape route lighting circuits on a case-by-case basis ensures that appropriate fire safety measures can be applied based on the unique layout and structure of each building.

**Question 15: It is proposed to insert new guidance clause 2.14.10 External Premises Information as detailed below. To what extent do you agree with this proposal?**

21. We strongly agree with the proposal that “all new and converted or refurbished high rise domestic buildings with any storey at a height of more than 18 metres above the ground, should have an external premises information plate fitted. It is also recommended that premises information plates are fitted to all existing premises of this type, in accordance with the Practical Fire Safety Guidance For Existing High Rise Domestic Buildings.” We agree that this would provide vital information to fire rescue services in a clear and concise way. We would also recommend that this information be available in a similar or extended format in a register of high-rise buildings that is managed by the Scottish Government or Building Safety Regulator.

**Question 16: It is proposed to amend the wording in clause 2.7.1 as detailed below. To what extent do you agree with this proposal?**

22. We have no comments to make on the amended working in clause 2.7.1. Propertymark does not have the technical expertise to make a judgment on specific changes to the type of cladding which is not considered forming part of the external wall cladding system. If experts in cladding and construction state that the amends would cause a greater fire safety risk for building occupants, then their warnings should be considered.

**Question 17: It is proposed to amend Regulation 8(4) to align with England on the two exemptions detailed below. To what extent do you agree with this proposal?**

23. Similarly to our response to question 16, our concerns are maximising the safety of occupants and ensuring building owners are able to demonstrate a low-level of risk when replacing external cladding systems. Should experts in construction and cladding express concerns that exempting some types of cladding or areas of a building, then the Scottish Government should take these concerns seriously and avoid exempting cladding that would pose a fire safety risk for occupants if left unreplaced.

**Question 18: It is proposed to amend the wording in clause 2.9.8 in the non-domestic technical handbook as detailed below. To what extent do you agree with this proposal?**

24. Please refer to our answers to questions 16 and 17. The Scottish Government should take note of industry experts on if these measures would impact the safety of occupants. If there are alternative widths of doorways that would provide greater safety for occupants, then they should be considered.

**Question 19: To avoid conflicting information and recognise current practice, it is proposed to remove the guidance in Annex 2.B of the non-domestic technical handbook and cite SHTM 81 Part 1 for new build hospitals. To what extent do you agree with this proposal?**

25. We have no comments to make at this time.



**Question 20: It is also being considered to cite SHTM 81 Part 2 and 3? To what extent do you agree with this proposal?**

26. We have no comments to make at this time.

**Question 21: It is proposed to cite BS EN 13637 'Electrically controlled exit systems for use on escape routes' in the technical handbooks? To what extent do you agree with this proposal?**

27. We agree with the existing BS EN 13637 guidance on electrically controlled exit systems. In addition to the existing guidance, we would recommend the inclusion of requirements for a "fail safe" system where it is possible to open the exit even if the electrically controlled exit systems are damaged in the case of a fire.

**Question 22: Do you have experience of any other miscellaneous issues affecting development which have arisen from application of current fire safety standards set under building regulations?**

28. Other than the issues that have been previously mentioned, we have no further comments to make at this time.

**Question 23: It is proposed to undertake further research and gather evidence to inform the policy. Please confirm any evidence, contribution or initial comments that would help towards this.**

29. We have no further comments to make at this time.

**Question 24: It is proposed to undertake further research and gather evidence to inform the policy. Please confirm any evidence, contribution or initial comments that would help towards this.**

30. We have no further comments to make at this time.

**Question 25: It is proposed to undertake a literature review to inform the policy on car parks and particularly in relation to electric vehicles. Please confirm any evidence, contribution or initial comments that would help towards this.**

31. We have no further comments to make at this time.