

**Consultation Form Annex B \* Complete as appropriate**

**CONSULTATION TEMPLATE**  
**LABSS TECHNICAL AND PROCEDURAL DISPUTE RESOLUTION /**  
**ALTERNATIVE DESIGN APPROACH TO COMPLIANCE**

**CONSULTATION PROCESS FOR USE WITH LABSS CONSORTIA GROUPS;**  
**BSD TECHNICAL and PROCEDURAL GROUP AND WITH SFRS (IF APPROPRIATE)**

<b>STAGE 1 MAKING THE CASE</b>		
<b>Regulation 9 Provisions on which a determination is sought Guidance Clause reference and relevance</b>	<b>Recommended Decision Describe applicant's/complainant's case</b>	<b>Reason for Recommended Decision *alternative compliance recommendations read with site specific conditions where appropriate</b>
<p>Interpretation of Regulation 5 schedule 3 as to the warrantability of alterations to racking and other forms of storage for whiskey barrels.</p>	<p><b>From Moray Council:</b>                      We have been posed a question from Chivas regarding the alteration of racking to provide improved means of escape. The racked arrangements have walkways etc however these historic racking arrangements also have dead end means of escape. As far as I am concerned these arrangements are historical however distillers are being pressed to carry out remedial works by HSE to remove the single directions of travel. This is</p>	<p>The LABSS position noted in Stage 5 is based on the consensus feedback from consortia.</p>



	<p>where the distiller has come to us to query this. They felt warrant was required however are referring to blanket guidance by HSE that no building warrant will be required for these works.</p>	
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**STAGE 2 - CONSULTATION WITH 7 CONSORTIA**

**Comments sought from Other Consortium to allow the LABSS Position to be determined**

\*This area to be completed by each Consortium Lead / Technical Lead (include all comments from other consortia)

<p>Group 1: Southwest Scotland Building Standards Consortium (SWSBSC)</p>	<p>No feedback</p>
<p>Group 2: Highlands and Islands consortium (H&amp;IC)</p>	<p><b>Highland</b> - First thing, the work meets the definition of a building. Doesn't seem to meet the definition of fixed plant and machinery, or any other categories in schedule 1. It would fall under Type 2 to schedule 3, but would meet the definition of elements of structure. So while the HSE might class it as work equipment, its not for them to state its exempt, and it would be good to get whoever in HSE made that decision into a meeting to see what their rationale is?</p> <p><b>Orkney</b> - Our view in Orkney can be summarised as follows:</p> <ul style="list-style-type: none"> <li>• All building work requires building warrant approval, unless exempt under Schedule 1 or Schedule 3 of the Building (Scotland) Regulations 2004.</li> <li>• We would always recommend that building owners contact their local verifier (i.e., as opposed to HSE) for project-specific advice on whether building warrant approval is required prior to carrying out any building work.</li> <li>• We do not believe it is appropriate to provide blanket advice owing to the highly individual nature of buildings concerned. Having said that, if works involve re-configuration of free-standing storage racks (and only re-configuration of free-standing storage racks) then the works could be exempt under Schedule 3 Type 2. Associated works that may require warrant approval include: (a) insertion of an additional external door, (b) insertion of a door in an internal loadbearing wall, (c) insertion of a new stairwell, and (d) removal of an existing column. Note this list is by no means exhaustive – hence our recommendation that building owners contact their local verifier in every instance.</li> <li>• Note that, going by Procedural Handbook clause 2.4.2, “if it is intended to carry out additional works that require warrant approval at the same time as works specified in Schedule 3, the latter should also be included in the warrant application. The building warrant fee should be calculated taking all work into account.”</li> </ul>

<p>Group 3: Southeast Scotland Building Standards Consortium (SEBSC)</p>	<p><b>Mike Dowie – Edinburgh City Council</b> - I would only ask for a warrant for alterations to the racking system if the racking system was reliant on the building for structural support or if the racking system had a warrant for its installation in the first place.</p> <p><b>David Smith - Scot Borders</b> - Assuming that any racking within the building is non-structural and that the buildings are not public access, we would not ask for a building warrant to alter any racking within the building, but if new fire exits are being formed to load bearing or external walls, a warrant would be required. If the racking is altered at the same time as new external exits are formed, this work would then become warrantable.</p>
<p>Group 4: Tayside consortium (TC)</p>	<p><b>DCC</b> - The work would appear to be exempt from a building warrant under type 2 of Schedule 5</p> <p><b>Angus</b> - I would say that as per the report, alterations to the racking systems would be covered under Regulation 5, Schedule 3, Type 2 and be exempt, but any alterations to form additional exits/external escape stairs etc, would require a warrant.</p> <p><b>P&amp;K</b> - That is the P&amp;K interpretation too.</p>
<p>Group 5: Clyde Valley consortium (CVC)</p>	<p>No response</p>
<p>Group 6: Central Authorities consortium (CAC)</p>	<p>No response</p>
<p>Group 7: Grampian consortium (GC)</p>	<p><b>Aberdeen City</b> - Presuming it is classed as non residential no public access. Neither racking nor stair/ladder would fall outwith the following exemptions and so no warrant required ....but must meet - "On condition that types 1 – 23 in all respects and/or in the manner of their fitting meet any standards required by the regulations."</p> <p>I agree that if racking not part of structural frame no warrant but if the alteration alters a floor ( to create stair or allow ladder access to racking) then this floor alteration would be warrantable in my opinion.</p> <p><b>Aberdeenshire</b></p>

	<p>As long as the ranking doesn't support the building in any way then I would take it as non-structural and therefore not require Building warrant. I had something similar in a saw mill, access for maintenance via ladders and walkways. It was agreed that it was not part of the Building Warrant.</p>
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### STAGE 3 – LABSS POSITION FOLOWING CONSULTATION WITH 7 CONSORTIA

\*This area to be completed by LABSS Management / CTWG

#### **LABSS Position following Feedback**

The range of opinions noted above are noted, as is the general consensus that this type of work does not require a building warrant. While not all consortia provided a responses, the comments of a number of authorities with a large number of this type of property is noted and overall the information is deemed sufficient to allow a LABSS position to be established. This is noted in Stage 5.

**STAGE 4 - CONSULTATION REVIEW WITH BSD and SFRS**

**Comments sought from BSD Technical/Procedural group**

\*This area to be completed by LABSS in association with BSD

No BSD comments deemed necessary, the BSD will be made aware of this information paper at the next routine liaison meeting.

**Comments sought from SFRS (if appropriate)**

This area to be completed by LABSS in association with SFRS

No specific comments from SFRS deemed necessary, SFRS rep Victoria Martin has been copied into relevant correspondence for information.

## STAGE 5 - CONSULTATION REVIEW FINAL DECISION

### Final Decision

This area to be completed by LABSS in association with BSD

This will be confirmed:

- by LABSS and added to the LABSS Website, and
- by BSD Standard Decision Letter (if appropriate)

While each case should be considered on its own merits, the LABSS decision is that, in general, alterations to the racking system in a bonded warehouse should be considered as falling within Type 2 of Schedule 3 to Regulation 5 and therefore no building warrant application is required for such work.

Notes:

- (1) Alterations must however meet any standards required by the regulations.
- (2) Ladders or walkways forming part of the racking which provide access for routine maintenance only should be considered in the same context as the racking system.
- (3) A racking system which form part of or supports any part of the structure of a building are excluded and therefore would be considered warrantable.