

Reflections on The Building (Scotland) Amendment Regulations 2025 – particularly whether it's doing a good thing or falls short?

Submitted on behalf of the High Rise Scotland Action Group

17 November 2025

These are some quick thoughts.

The Short Life Working Group Term was tasked with one of the objectives being “to explore the *special risks* which existing hotels and similar premises may pose through the presence of hidden cavities or voids, varying standards of workmanships, age, and the variance from current standards and to consider revising the guidance provided by the Scottish Government and others” (my italics)

There are of course some features of the construction in these premises which pose potential risks in other *residential* buildings.

In many of the buildings which come within the scope of the Single Building Assessment programme (i.e those built or refurbished between 1992 and 2022) where the voids have been identified as a threat. Addressing these is potentially a huge problem. Of course, those problems extend well beyond such properties converted, altered, or extended, to other dwelling places where such works were carried out prior to 1992.

Within the SBA scope is of course, the Breadalbane/Bond Warehouse, a listed building, built at the end of the 19th and beginning of the 20th centuries. It was converted into flats with planning consent being given in April 2002. It was the subject of a major fire on 14 March 2022. Clearly construction factors contributing to the spread of that fire whilst wooden (cladding and balconies?) were present – I am unaware of how the firespread and whether other factors such as voids may have contributed.

With regard to these converted/altered/extended buildings used as hotels and similar premises, (as well as domestic high rise flats) there will clearly be some, where the conversion/alteration/extension/ work was undertaken prior to April 2026 (or in the case of flats 1992)

How to address the issue of those more historic changes in a building, and particularly of the hotel and hospitality sector is very important in my view.

When there is an application for change of use, or for conversion, alteration or extension I suggest it could be mandatory for a Fire Risk Assessment of External Walls and a Fire Risk Assessment of Internal Areas based on the current state of the building be prepared.

Applications for extension/alterations etc must also be supported by evidence from a suitably qualified professional as to how

- any existing issues are addressed in the proposed changes,
- in the case of an extension evidence that a fire risk assessment of the proposals had been similarly prepared, showing that the building(s) after the work would not give rise to any reportable fire risk. I would hope that such a report would address the matter of open fireplaces which whilst being an attractive 'selling' point for guests, give rise in and of themselves to causing a fire.

Of course the regulation changes seek to deal with the building **construction** and remove or mitigate risks arising from that which could conceivably be a contributory factor to the start of a fire.

The regulation also seeks to address issues in its construction which could, or would, contribute to the spread of a fire.

It also seeks to incorporate fire limitation measures and devices into the construction to limit fire spread or extinguish fires. In my view, absolutely, necessary.

Incidentally, I do have experience from my former life, when I was involved for over a year in the running and sale of some old hotels and nightclubs on Brighton seafront. One of these had around 100 rooms. In seeking to sell these properties it meant I had to explore every part of the hotel, from the basement, to the roof voids. Fortunately there was no fire – but a similar hotel, the 200 year old, Royal Albion did suffer a catastrophic fire in 2023. If I knew then what I know now, I would have been very concerned!

OTHER ISSUES

In the Cameron House case, as well as in so many other fires, it is the regime that is in place to identify and recognise risks, and to respond to any fire or emergency. Those issues are addressed in the recommendations, but are of course outside of matters that can be dealt with by government by planning law/regulations.

To leave the obligation to have proper processes, and appropriate individuals in place, to the hotel operators, owners, managers without mandated legal provisions, which are regularly reviewed and reported on by, for example by SFRS on their regular inspections and reviews, is in my view completely untenable.

The Grenfell disaster, Post Office scandal (and other examples) demonstrate beyond any doubt that human beings without accountability cannot be trusted. People(we?) make decisions based, consciously or unconsciously, on how those decisions and assessments will affect us, and our well-being. As someone said in the context of cladding 'it will take longer to fix people, than to fix the buildings!'

This has to be addressed in the hotel/hospitality industry to avoid life threatening risk to their clients/guests.

Whilst this is outside your committee's brief, I believe this needs to be addressed, onerous as that would be. People's lives depend on it. Perhaps this can be brought to government attention, so that could be addressed.

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The resources I used.

- **Inquiries into fatal accidents and sudden deaths etc (Scotland) Act 2016 into the death of Simon Midgley and Richard John Dyson**
(<https://www.scotcourts.gov.uk/media/tzqj10cr/fai-simon-midgley-and-richard-john-dyson.pdf> 11 January 2023)
- **Short-life Working Group final report on the Fatal Accident Inquiry Recommendations into the deaths of Simon Midgley and Richard John Dyson at Cameron House Hotel in December 2017**
(<https://www.gov.scot/publications/short-life-working-group-final-report-cameron-house-fai-recommendations/documents/> 2 October 2023)

The Six Recommendations

1) Owners or operators of hotels or similar sleeping accommodation in Scotland should, where appropriate for their operation, have in place up to date and robust procedures, informed by an assessment of risks, to ensure that ash from open fires in hotels is removed and disposed of in a safe manner, thereby avoiding the risk of fires being started by the careless disposal of ash. (Directed at Hotel and B&B industry).

2) Owners or operators of hotels or similar sleeping accommodation in Scotland should ensure that clear and robust arrangements are in place for promptly ensuring all persons are accounted for in the event of evacuation of such accommodation in the event of a fire, such arrangements, where possible, to address foreseeable contingencies such as difficulties in accessing guest lists, or inclement weather.

3). Owners or operators of hotels or similar sleeping accommodation in Scotland should ensure that robust arrangements are in place to ensure that all staff (including in particular, night-shift staff) have experience of evacuation drills which may, for example, involve night-time staff being asked to attend a day-time evacuation and/or mock drills taking place during "night shift" hours.

4). The Scottish Government should consider introducing for future

conversions of historic buildings to be used as hotel accommodation a requirement to have active fire suppression systems installed. (Accepted by SG)

5). The Scottish Government should constitute an expert working group to more fully explore the special risks which existing hotels and similar premises may pose through the presence of hidden cavities or voids, varying standards of workmanships, age, and the variance from current standards and to consider revising the guidance provided by the Scottish Government and others. (Accepted by SG)

6). Scottish Fire and Rescue Service should reduce the time-period between a fire safety audit inspection and the issue of a written outcome report.

- **Policy note the Building (Scotland) Amendment Regulations 2025 SSI 2025/312** <https://www.legislation.gov.uk/ssi/2025/312/policy-note/contents>
- **Business and Regulatory Impact Assessment Building standards fire safety: The Building (Scotland) Amendment Regulations 2025** https://www.legislation.gov.uk/ssi/2025/312/pdfs/ssifia_20250312_en_001.pdf
- **Note by the Clerk on the Title Conditions (Scotland) Act 2003 (Rural Housing Bodies) Amendment Order 2025 (SSI 2025/298)** <https://www.parliament.scot/~media/committ/11656/Public-Paper-3>
- **Note by the Clerk on the Building (Scotland) Amendment Regulations (SSI 2025/312)** <https://www.parliament.scot/~media/committ/11657/Public-Paper-4>
- **Child Rights and Wellbeing Impact Assessment (CRWIA) for The Building (Scotland) Amendment Regulations 2025 – Section 2 (Fire)** https://www.legislation.gov.uk/ssi/2025/312/pdfs/ssiod_20250312_en_001.pdf
- **The Cameron House Hotel Fire – A case study in managing fire safety in a heritage building.** Stewart Kidd (<https://ifpmag.com/the-cameron-house-hotel-fire-a-case-study-in-managing-fire-safety-in-a-heritage-building/>) 3 April 2024