Local Government and Communities Committee

Building Regulations in Scotland

Email from NHBC Scotland to the Convener of 4 May 2017

Bob

Can I firstly state that I was delighted to be given the opportunity to attend the Local Government and Communities Hearing to represent NHBC the largest single provider of a Building Control service in the UK in order that I could present evidence about the current Scottish Building Control system and how NHBC could work alongside Scottish local authorities to improve service delivery of this critical function.

However I write to you as Convener of Committee to express my disappointment that overall there seemed to be little detailed or meaningful debate about the Building Control system and or the future appointment of Verifiers. I failed to see the relevance of the query raised by Mr John Scott to the intended purpose of the hearing given that I understand he is not a member of the Local Government and Communities Committee and that the matter raised related to a complaint from his constituents about how NHBC managed a historical insurance claim. My last communication with Mr Scott about this matter was in 2012 and although I have not had any contact about it since then until it was raised at the Committee hearing I committed to investigating Mr Scott’s concerns and that is what I will do.

The Committee quite correctly referred to the recent inquiry into the Edinburgh schools defects and attempted to set the scene on how Building Control works in Scotland. The report from the latter inquiry made similar comments about the performance of the Scottish Building Control system that should have been well known to Government given that these same points had been made in published Scottish Government documents stretching back several years and consequently I was surprised that this was not explored in greater detail.

The Scottish Government Consultation– Improving Compliance with Building Regulations (2009)

Identified that 96% of respondents identified a compliance gap between design approval and completed construction work – i.e. what was being designed and approved is not what is being constructed

Cole Report 2016 10 .11.4
“The current process appears to focus resources on ensuring submitted design information is compliant with the regulations, yet as has been identified … a lesser focus appears to be applied to ensuring that what is built is compliant with the approved design.”

Scottish Government Research – Support the Appointment of Verifiers 2010

This confirmed there is no legal requirement for the level of inspection required of verifiers to establish compliance of buildings, once built, with Standards. It also stated that there is no legal requirement to inspect during construction.

Cole Report 2016 10.10.17

It is inappropriate of clients to act on the assumption that they can rely solely on the visits to site by building control officers to ensure the quality of construction of their buildings.

The Cole Report (10.10.2) states that despite local authority verifiers introducing a system of Construction Compliance Notification Plans (CCNP) … the system that was in place in Scotland in 2003 was not dramatically different from the new system introduced in 2005 regarding site visits by building control officers. In fact the Government research Evaluation of the performance of local authorities in their role as building standards verifiers (2016) refers to the CCNP’s and states the proportion of CCNP’s achieved were falling, this suggests that not all were being achieved. As the statistics used in this report were not from all local authorities the picture could in reality be much worse.

There is no detailed information on the value of these CCNP’s how they were determined and against what risks and the Cole Report (10.9.11) highlights the disproportionate attention paid by building control officers to the installed building drainage whilst disregarding other key areas of construction. A survey I carried out a few years ago with around 100 home builders reinforced that as it indicated that the majority of inspection carried out by building control officers focused on drains.

Cracks are beginning to appear in the current system and even the Scottish Government recognise this given that the verification licenses for Glasgow, Edinburgh and Stirling were only renewed for one year on the basis of the poor building control performance of these authorities.

The 2016 research identifies that there are major resource issues affecting the performance of verifiers in Scotland and that this is likely to get progressively worse yet the Scottish Government has introduced legislation that enables it to appoint other organisations to offer a building control service alongside local authorities but
since that legislation was enacted it has consistently focused on appointing solely local authorities to perform this critical public safety role in the knowledge that there is a compliance issue, there is a lack of a robust inspection system on site, on-going poor performance and a strong demand for change from the stakeholders involved.

If you think it would be helpful I am quite happy to discuss the above in greater detail but as you are well aware they have been raised by me before. I will be writing to members of the Committee who have not had the opportunity to visit a building site and witness our inspection process in action to ask if this would be of interest to them and if there is anything else that I can assist you or the Committee with let me know.

Regards,

Malcolm MacLeod

**NHBC Director Scotland**