Local Government and Communities Committee

Building Regulations in Scotland

Submission from COSLA

Introduction

1. COSLA welcomes the opportunity to provide evidence to the Committee on building regulations. This call for evidence comes at an important time for build standards and this submission reiterates some of the points which we made recently on the Scottish Government’s consultation on building warrant fees. We have focused on broad, political points concerning building regulation but we also expect that individual local authorities will provide more technical responses to the Committee’s questions.

Key Points

2. We would like to make the following key points on building regulations:

- In general terms COSLA welcomes the increase in fees proposed by Scottish Government and the principle of full cost recovery. However, we do not support the proposal to share a portion of the revenue generated from the fee increase with Building Standard Division. We discuss this in more depth later in this submission.

- COSLA supports an increase in building warrant fee with the aim of achieving full cost recovery. A number of councils have highlighted that the recovery of costs from fees varies between authorities, even in ‘good years’ with a higher number of building warrant applications. As a result, while Scottish Government’s proposal anticipates that local revenues will increase, this may not mean that all councils are able to fully recover their costs from the system.

- There is support from councils for flexible discounting of warrant fees where this is appropriate. However, it was highlighted that for those authorities not currently at a position of full cost recovery, discounts have to be handled carefully so as to avoid exacerbating any deficit position.

- Local authorities have indicated a need to support building standard services to maintain staffing and skills. This is one of the main reasons that the increase in fees has been welcomed by councils. However, there is a concern that for some councils the likely increase in local revenue will be insufficient to cover the cost of additional staffing or trainees.

- In a similar way to what was identified by the independent review of planning, there is an argument that building regulation could be repositioned as a corporate responsibility for local government. There is an argument that accountability for service could be improved if local
government had statutory responsibility for all aspects of building regulation rather than the current system where local authorities are appointed by Scottish Government to act as verifiers but retain responsibility for enforcement.

Funding Building Standards

3. We understand the intent behind Scottish Government’s recent proposal is to get more money for building standards services and to shift the financial burden towards those who use the services. We have no argument with Scottish Government on this issue and we hope that the increase can go ahead as soon as possible. It is the issue of using the money to fund a Scottish Government division that we do not support.

4. While there have been times where, with our agreement, local government has come together to fund specific national services, for example in ePlanning, there is a fundamental issue of principle about locally generated revenue being used to pay for the core running costs of a Government department. This principle also applies to resourcing of planning services; which Scottish Government is also currently consulting upon.

5. Local authorities were also clear that while the fee increase was welcome, it would not allow all councils reach a position of full cost recovery. As a result, although our decision is a principled one, it would be very difficult for COSLA to agree a proposal which split funding with Government while still leaving some councils in the position of subsidising the service. This issue is made more acute by the impression made by the consultation that Scottish Government’s proposed £1.5 million share of the increased revenue will cover the overall running cost of Building Standards’ Division.

6. We accept that there is a need to invest in building standards. We think that issues on resourcing and service standards are more sustainably resolved in the long term by exploring how local government’s role in building standards is strengthened with greater accountability for both fees and service standards. In other words, our preference would be to deepen local government’s role in building standards rather than to open verification to other providers. We have made an offer to discuss this with the Minister for Local Government and Housing as part of our response to the Scottish Government’s proposal on warrant fees.

Conclusion

7. COSLA sees a strengthened role for local government in building standards. While we do not have a blue print for achieving this, we believe that it is a fruitful line of work that could deliver long term and sustainable improvements to building standards. We are happy to assist the Committee with its ongoing work on this area.

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COSLA