I am a private home owner who has had significant and severe structural issues with my new home since I purchased it in 2001 and these are still continuing to this day.

Please find below my written evidence in respect of building regulations in Scotland. I have addressed the questions posed in order for ease of reference.

**Should verification of building standards be extended to organisations other than local authorities?**

No, this should be with a public authority who have more accountability and transparency. Private organisations are in the main driven by profit, directors’ bonuses and shareholder demands.

In terms of transparency subject access requests provide much less visibility than freedom of information requirements which public bodies must adhere to.

It is difficult for an individual already to engage the professional services of independent engineers, legal advisors etc. who have not previously provided services to individual builders or NHBC.

The construction industry in Scotland is already a close knit sector where even lawyers/professional advisors sponsor client companies through award ceremonies, where the building industry come together and celebrate with awards which the individual builders then use for marketing purposes to prospective buyers.

Any move to provide what in effect would be self-regulation by the private sector will only dilute transparency and accountability further.

**Should procedural regulations specify a minimum requirement for the inspection of ongoing building works, to ensure compliance with building standards?**

Yes, for private individuals building/converting their own properties the inspections standards feel far stricter than for large builders. This seems unbalanced.

For large builders there is only a requirement to inspect a certain style of house at certain stages of build which leaves the consumer/house buyer exposed.
Each individual property is therefore unlikely to have been fully inspected at each stage of construction creating a loophole where sub-standard work goes unnoticed and unchallenged. This lighter touch process I understand is applied because of the deemed greater competence and quality standards of large builders. Recent experiences in both private developments and large public sector developments (e.g. schools) shows that this is clearly not the case. Larger builders are driven by time and cost targets, driving poor performance of their employees and sub-contractors resulting in poor quality construction all in an attempt to drive up profits.

This loophole enables builders to cut quality to meet time and cost pressures and construct sub standards properties where ultimately the homeowner is left with little redress.

**Should there be a statutory system to provide redress for new home buyers whose properties are subsequently found not to meet building standards requirements?**

Yes, currently homeowners have little in the way of protection. The protection currently on offer is inadequate. Individuals have more protection buying an item of clothing than they do with a property purchase.

With recent Scottish and UK Government policy aimed at stimulating the construction industry and a drive to increase the number of new homes then government too also needs to ensure that individuals are adequately protected. This should not just be about increasing profits for large builders and political soundbites around new homes and the economy.

There has been a report carried out by the All Party Parliamentary Group “Excellence in the Built Environment” which is particularly pertinent to this question: [http://cic.org.uk/admin/resources/cic-bookpdf-print-version.pdf](http://cic.org.uk/admin/resources/cic-bookpdf-print-version.pdf)

Builders have in the past looked for every opportunity to prevent regulation advising that current means of redress provide adequate forms of protection to the homeowner. This is clearly misleading and an attempt to protect their own interests.

Warranties e.g. NHBC are restrictive and limited to damage only even where a property significantly does not meet NHBC’s own building industry standards. In effect what this means is that the individual can be left with a property which will never meet building industry standards with these deficiencies having to be disclosed on a home report. The individual has to suffer any potential loss of value in these circumstances with the builder and NHBC under no obligation to redress.

NHBC are funded by builders’ premiums, removing impartiality and actual experience shows them siding with the builder. In effect the NHBC warranty is an
insurance policy with the same challenges this brings as in other forms of insurance i.e. restricted by its terms and the insurer attempting to limit their liability at the expense of the homeowner.

Builders may claim that there is redress via the courts but know full well this is prohibitively expensive for individuals. Builders can afford expensive legal fees and employ particularly combative and adversarial advisors employing bullying tactics in an attempt to intimidate and compromise the position of the individual layperson. This is an extremely stressful and worrying time for the individual homeowner.

The tactic in the majority of cases is to make unsubstantiated and defamatory comments about the individual householder’s conduct (even as far as suggesting the homeowner is attempting to extort vast amounts of compensation from their client) in an attempt to portray their client as reasonable to limit liability and is some instances claim their own costs from the homeowner. This statement is clearly evidenced by a number of internet articles written by builders’ legal advisors on their own websites suggesting adoption of these tactics (in a blatant attempt to drive up fee income). I can provide copies of these if required.

Effectively what happens in practice is that there is no clear accountability attributable to home defects with confusion for the homeowner around the responsibilities of the builder, warranty provider and local authority building control. A statutory system would bring that level of clarity, comfort and support to the individual homeowner.

Are the current building warrant and associated fees set at the correct level?

No comment.

Any other issues relating to the regulations which you wish to bring to the attention of the Committee?

From my own experiences local building standards have been both polite and helpful but have been ineffectual in dealing with my concerns on the construction of my own property. This has been as a direct result of inadequate record keeping with even mandatory information missing. Also I would assume a lack of a mandate/appetite to become involved in disputes on property construction or providing a view as to whether these properties meet building industry standards (which building control have, or should have, inspected and signed off).

Additionally Local Authorities should be adequately resourced to carry out their roles.

I am more than happy to attend the committee in person to present evidence. I look forward to hearing from you in due course.