Local Government and Communities Committee

Building Regulations in Scotland

Submission from the City of Edinburgh Council

Should other organisations be authorised to undertake building standards verification work?

We do not think other organisations should be authorised to undertake verification work in Scotland. Opening up verification could damage the impartiality of the building standards system and would lose its accountability to elected members. A loss of local knowledge could reduce the standards achieved within the building industry.

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

There are some merits in specifying a minimum requirement for inspections to achieve a greater consistency across Scotland. This would, however remove the degree of flexibility and professional judgement that can be taken by local surveyors using a risk based approach. There are constant demands being made for improvements in consistency of inspections from Local Authorities but there are equally strong demands from professional bodies for the regulations to permit greater creativity, innovation and flexibility in the designing and construction of buildings (e.g. the regulations at present are a set of performance standards that are open to interpretation rather than prescriptive regulations). Where interpretation is allowed there will always be a degree of variation in how a building is assessed and inspected. New build domestic properties already have an insurance scheme with an inspection regime beyond that required by building regulations (e.g. NHBC) but there are still instances where work is not achieving a reasonable standard. Any increase in the inspection requirements will have a resultant cost increase but may not improve compliance with building regulations. A degree of proportionality has to be established that is affordable and affective. The current system is close to achieving the correct level of inspection. The introduction of the CCNP system has improved the quality of workmanship and compliance with building regulations in the Edinburgh area, where the requirements of the CCNP are met by the applicant/contractor contacting the authority at the required stages.
Should there be a statutory system to provide redress for new home buyers whose properties are subsequently found not to meet building standards requirements?

Any redress should be focussed on the builder of any new house. The house-building industry needs to be educated to take more responsibility for its actions. Many house builders use sub-contractors and have very few directly employed construction workers. The responsibility is delegated to a company that may prove to be less accountable or have a lower vested interest in the fully finished house. In other manufacturing industries a component provider has to provide traceability of their product. In the event of product failure, the main manufacturer can get to the root cause of the problem, remedy the fault, identify other products that may develop the same fault and take steps to quickly eradicate any future occurrences. Greater accountability and traceability should be introduced to encourage individuals to take personal responsibility for what they build or what they commission to be built for them. It should not be up to the verifier to check every aspect of building work. The vast majority of new build housing is covered by some form of insurance scheme that includes more inspections (e.g. NHBC as referred above). The declarations on a Building Warrant application form and Completion Certificate Submission form that refers to the work being in compliance with the building regulations already; however the level of responsibility of the signatory is not fully understood by many.

Are the current Building Warrant and associated fees set at the correct level?

There is opinion that, to some degree, smaller projects are being subsidised by larger projects. Increases in fees at the lower end of the fees scale would help address this issue. However, the fees on the whole should be increased to take account of the additional technical complexities, ICT demands and increased inspection workload as required by the new verification performance framework. The local authority Building Standards service has experienced a real terms reduction in fees since 2005. There are continued increased financial implications surrounding the introduction of eBuilding Standards and the future developments needed within the system. The Government should be ensuring that the entire fee increase is reinvested in the building standards service.