Local Government and Communities Committee

Building Regulations in Scotland

Submission from Royal Institution of Chartered Surveyors in Scotland

1. The Royal Institution of Chartered Surveyors (RICS) is the principal body representing professionals employed in the land, property and construction sectors. In Scotland, the Institution represents over 11,800 members comprising chartered surveyors (MRICS or FRICS), Associate surveyors (AssocRICS), trainees and students.

2. Our members practice in sixteen land, property and construction markets and are employed in private practice, central and local government, public agencies, academic institutions, business organisations and non-governmental organisations.

3. As part of its Royal Charter, RICS has a commitment to provide advice to the government[s] of the day and, in doing so, has an obligation to bear in mind the public interest as well as the interests of its members.

4. RICS is therefore in a unique position to provide a balanced, apolitical perspective on issues of importance to the land, property and construction sectors.

5. This Call for Evidence arises at a time when the majority of building standards teams and service provision in local authorities is decreasing due to a combination of reduction in budgets and workforce.

6. As such, RICS welcomes the opportunity to respond to this call for evidence.

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

7. RICS acknowledges that other organisations, such as the National House Building Council (NHBC), provide verification services in England and Wales. Therefore, the extension of verification to these other bodies should be relatively straightforward to achieve.

8. However, the addition of verifying bodies could negatively impact on service delivery.

9. Whilst there are stand-out issues with a small minority of Scotland’s local authorities, there is a decent level of consistency in the approach to vetting building warrant applications.

10. The Building Standards Division (BSD) regularly audits Building Standard authorities, and if this practice continues, the small number of local authorities
that are currently under performing should reach the same levels of professionalism as the others.

11. If there was a mixture of verifiers in different local authority areas, there could be issues around consistent provision of service delivery – such as, at times of procedural changes - and consumer choice of verifier in each local authority area.

12. If the proposed additional verification providers was taken forward, the BSD should have the authority to audit the other verifiers in order to ensure consistency in the audit process.

13. RICS is firmly of the view that there needs to be a thorough assessment of any unintended consequences that may arise from the appointment of additional verifiers. This should include consideration of whether additional resourcing for local authority building standards departments may be a better approach.

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

14. The current system with the Construction Notification Plan allows professionals to choose which inspections are appropriate for the works.

15. This system may well result in a lack of consistency within each building standards office, and more widely across Scotland. The introduction of procedural regulations would help alleviate this.

16. However, more detail and scrutiny on the application of procedural regulations will be required in advance of its introduction; this should include consideration of measures against developers who commence work without the verifier being informed.

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

17. At present, there is potential for dissatisfied homebuyers to take civil action. Whilst a redress mechanism may be beneficial to the public, it would appear that the need for redress indicates an issue with the current system, whereby new houses can be built, and sold, whilst not meeting standards.

18. As such, it may be more appropriate for attention to be applied as to why situations of this nature arise.

19. If procedural regulations were introduced, in relation to inspection, this could alleviate some of the issues; but on a development site of 100 units, the Building Standards Surveyor will not have the opportunity to be on site to
inspect all the houses. Moreover, Building Standards Surveyors only verify
the certification provided by the owner or house builder as is required within
the Building (Scotland) Act 2003.

20. It would be beneficial to the sector, and the public (consumer), if there was
more awareness and public education sessions on how the building standards
system works; these events should include verification and inspection.

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

21. RICS recognises, and welcomes, the Scottish Government’s ambition to
make the Building Standards System fully cost recoverable; and it should be
noted that the primary reason for the increases in fees is because they have
remained static since 2005.

22. Building warrant fees are not presently “ring fenced” for the services they are
paid for, and RICS believes this approach needs amending. By guaranteeing
budgetary resource, service provision across Scotland’s local Building Control
departments should improve.

23. Indeed, the proposed increase in fees, which are currently proposed to
support local authorities, could equate to each local authority receiving an
additional £62,500. Whilst this sum is not hugely significant, it could support
the recruitment of trainee or assistant posts which could alleviate some of the
pressures felt by some local authorities. This in turn could improve service
delivery as well as negate the need for additional verifiers.

24. Linking fees to departmental performance, as suggested for planning
departments, is a positive notion, but further details on the application of this
approach would be required before RICS would support an initiative of this
nature. There would also need to be opportunity for building standards
departments to improve their service provision before this policy was initiated.

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

25. It would be prudent for the Scottish Government to introduce the traineeships
and assistant posts that would promote Building Standards as a career
opportunity for school leavers, and enhance career progression for those
already in the sector.

26. RICS volunteers to work with the Building Standards Division, other
educational establishments, such as the STEM programme and modern
apprenticeship schemes, to promote this profession.