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

No. It is considered that the current system where the 32 Scottish local authorities are appointed as verifiers for their own Council areas is the optimum solution. Local authority verifiers are best placed to provide a locally delivered, independent, transparent, accountable and impartial service, with common aims and procedures.

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

Site inspections by Building Standards staff are limited to “reasonable enquiry”, to check compliance with the approved plans and building regulations. These inspections should not be seen as a substitute for site supervision of the works, which is a contractual matter between the owner(s), their agent and the builder.

This matter was considered as part of the report into the Edinburgh schools wall collapse, which stated that “the part played by Local Authority building control was considered by the Inquiry. It is not appropriate for Building Standards departments to be expected to undertake the type and level of detailed inspection that is necessary to identify the type of defects found, but consideration should be given to requiring better practice methods of the construction industry that would in turn provide Building Standards with the proper level of assurance in these risk areas”.

Consideration could be given to the provision of a more comprehensive inspection programme by the Agent/Contractor on site. This could be a requirement on a declaration submitted to Building Standards prior to work commencing on site, which would inform Building Standards as to what level of inspection is to be undertaken on site.

South Ayrshire Council concurs with these findings. Building Standards do not have the staff resources that would allow increased site inspections.

Should there be a statutory system to provide redress for new home buyers whose properties are subsequently found not to meet building standards requirements?
South Ayrshire Council does not provide an insurance based service of this type for new home buyers. It would be difficult for a local authority to provide this type of service given the restrictions on inspections carried out by Building Standards staff. It is considered that the housebuilder is best placed to provide this type of service.

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

The recent Scottish Government Consultation document of building warrant fees proposed a general increase in fees. The fee structure for Building Warrant applications (which is set nationally) has not been increased since 2005, meaning a reduction in real terms of some 40%, albeit as fees are related to value of works upward inflation pressures on construction costs will have provided some increased income in that time.

Fees for works at the lower end of the scale, especially those which attract only the minimum fee, do not cover verification costs.

In summary, South Ayrshire Council would support an increase in building warrant fees.

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

The building regulations in Scotland have been developed over a long period of time, and supported by the Technical Standards they provide a robust system for compliance.

The limitations of the inspection regime provided by Building Standards as part of the building warrant process should be recognised.

Richard Cairns
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