Local Government and Communities Committee

Building Regulations in Scotland

Submission from Aberdeenshire Council

Dear Sir

I refer to your recent e-mail regarding Parliament’s Local Government and Communities Committee asking for written evidence as part of its scrutiny of building regulations in Scotland.

Please see below Aberdeenshire Council’s responses to the questions

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

  No, the overall level of service provided by Local Authorities is very good and can be evidenced by the recent National Survey undertaken by the Building Standards Division of the Scottish Government.

  A consistent approach to dealing with applications and improving the delivery of the service exists. This includes a System Type Approval Scheme which provides a country wide approval scheme, facilitated and monitored by Local Authority Building Standards Scotland (LABSS) which represents the 32 Local Authorities in all discussions with the Building Standards Division.

  Local Authorities provide a third party impartial check of applications. Any Building Warrant work undertaken by the Local Authority is scrutinised to the same degree as an external application. This check is carried out by a different Service to that undertaking the work.

  An external verifier having no links to the Council would not be accountable to local members.

  A number of Local Authorities currently have Customer Service accreditation which is a Government award confirming that a good service is being provided.

  If verification was extended to other organisations then there is a risk that they would only do the profitable applications leaving the remainder for Local Authorities to do. This could lead to funding issues.

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

  Building Standards currently have a scheme in place (Construction Compliance Notification Plan) whereby applicants or agents contact Building Standards when a build has reached a specific point in the construction
process. These “critical” points were previously identified at approval stage by Building Standards. An inspection can then be targeted at the optimum time to see most of what has been installed eg. before walls and ceilings are covered up, insulation, beams and possibly fire protection can all be seen prior to being sheeted. Whilst this allows some inspection Building Standards are not on site at all times and cannot provide a full Clerk of Works service. This targeted approach is seen as providing best value for money.

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

This would prove difficult to do. Building Standards do not undertake a Clerk of Works role and are not always on site to monitor all aspects of the construction process. Building Standards main purpose is to confirm that no deviations from the approved plans are occurring rather than monitor the quality of the work at all stages of construction. Yes they are there to pick up construction defects that are apparent when they are on site but to be able to confirm that all aspects of the construction was satisfactory could not be guaranteed. eg an external wall could be being insulated in a satisfactory manner when Building Standards are on site but they are unable to confirm if this continues when they are off site, this would require a site Clerk of Works to do this who was on site at all times monitoring all aspects of construction. In signing the completion application the applicant/agent are confirming that the construction has been completed in conformity with the approved warrant. Because of the afore mentioned reasons any form of redress would need to be against the house builder. The current system of obtaining redress via the legal system does take a long time and may involve substantial costs to the house purchaser.

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

A recent consultation process regarding the level of fees has just been completed by the Building Standards Division of the Scottish Government and was undertaken by Pye Tait. The consultation involved all stakeholders in the Building Warrant process and concluded that a rise in fees was required to sustain a credible Building Standards service.

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

I would bring to your attention the current level of discontent with the Building Standards service within England where the verification process has already been opened up to private verifiers.

I trust this feedback is of assistance.

Robert Gray
Head of Service, Aberdeenshire Council