

# MHCLG Survey-Building Control Independent Panel

## About the Home Builders Federation

The Home Builders Federation represents home builders in England and Wales. HBF's members build the majority of new homes built in England and Wales each year. Its membership includes national developers and hundreds of SME builders.

### 1. What is your name?

Rhodri Williams

### 2. What is your email address?

[Rhodri.williams@hbf.co.uk](mailto:Rhodri.williams@hbf.co.uk)

### 3. What is your organisation?

Home Builders Federation

### 4. Do you agree with the BCIP Problem statement? Are there other areas of concern that you think we have missed?

Yes, the statement provides a good overview.

In our view, some issues are understated, such as the progress that has been made to introduce regulation to the building control profession, which puts it on a much improved footing for the next phases of improvement. Other issues are given too much emphasis, such as the general assertion that developers and clients lean towards low cost, easiest route building control providers. In the housebuilding industry, quality and consistency of service is a determining factor.

Capacity and recruitment are identified as being problematic across the profession and consideration must be given to this as well, as well as the impact of changes on morale, before significant changes are proposed and implemented. Learnings should also be taken from recent experience of the Building Safety Regulator in overseeing building control of High Risk Buildings in order for similar mistakes not to be repeated.

### 5. Do you agree that building control should retain a balance between advice and enforcement and if so, how should this be achieved? Should enforcement powers be extended to the private sector?

On the first point, an indirect consequence of the registration of the building control profession and the strengthening of guidance in respect of RBI's and Building Control bodies

not offering design advice is that some building control bodies have taken the decision to withdraw any verbal advice. This has been unhelpful to industry and we would welcome the Panel considering how this is helping to deliver safer buildings. In our view, sharing information, knowledge and guidance is critical in delivering and achieving correct and safe construction. We recognise that building control providers must not act as designers, but silence and an overly risk averse approach does not help.

On enforcement, HBF's view is that it would be more helpful if enforcement powers were to be placed with the Building Safety Regulator, rather than with local authority or private building control bodies.

**6. Are you supportive of the changes which have already been made in bringing building control (public and private) under the Building Safety Regulator's control and oversight? What more could be done to monitor performance of building control and build public trust?**

Yes. As mentioned previously, we believe that the Building Safety Regulator should take on enforcement powers and therefore have and be seen to have greater responsibility for ensuring performance. It is also suggested that at the same time, the Building Safety Regulator should at some point relinquish its role as the building control body for High Risk Buildings.

The ongoing audit and registration of building control bodies and Registered Building Inspectors by the Building Safety Regulator should be strong enough to ensure a level playing field such that clients and developers can select their own building control body.

**7. How should resources be deployed most effectively to minimise conflict of interest and to ensure appropriate levels of oversight of building works?**

As commented in the reply to 6. above, the role of the Building Safety Regulator should develop similarly to other regulators, including making sure building control bodies and professionals have the necessary qualifications and experience together with enforcement powers. It should not be the role of a regulator to also be the service provider as it is now on High Risk Buildings.

**8. Should there be a minimum number of inspections prescribed for different types of buildings. If yes, at what stages should these take place?**

Overall, there should be a risk-based approach to the number and stages of inspections to be undertaken on different types of buildings.

**9. How can we ensure that building control is managed consistently with timely interventions, proportionate approaches and risk-based targeting?**

This would be aided by the BSR setting a clear and defined framework for inspections, gateways and allowable construction for each type of work i.e low rise, low risk conventional housing, mid-rise apartment schemes and high risk buildings .

In other building uses, there should be classifications for building control across different building types i.e educational, hospitals, office, residential.

This framework could be used by all building control bodies to determine risk dependent on the specifics of a project and provide a consistent approach to inspections and testing across industry.

## **10. How can we best monitor and measure performance of all Building Control activities?**

The registration of the building control industry under the Building Safety Act 2022 has provided a robust framework for building control bodies and registered building inspectors to operate against and for the BSR to monitor performance. HBF would suggest that this regime is given time to bed in and for the full impact of the changes to be assessed over a reasonable time period.

## **11. What are the key minimum skill sets required in a building control body?**

Unable to answer this question.

## **12. What action should be taken against building control bodies who are found to be failing in delivering their functions? Where it is necessary to do so where and how should caseloads be transferred?**

The Building Safety Regulator has a key role in enforcement, setting sanctions and publishing outcomes of investigations.

The Building Safety Regulator should be responsible for transferring work between building control bodies should that be necessary for any reason.

## **13. Is there effective oversight and enforcement of the competent person self-certification schemes? What changes would improve compliance and enforcement?**

Unable to answer this question.

## **14. Where building control is linked to the provision of warranties does this lead to better standards of building work and if not, why?**

Overall, there would appear to be a stronger likelihood of better standards of building work if the building control provider is also providing warranties as they will have a greater and financial interest in achieving compliance and higher levels of build quality.

In this regard, the current position for consumers should be considered. For example, there is no likelihood of homeowners recovering remediation costs from local authority building control providers who may have acted negligently in approving building work that did not comply with regulations.

## **15. Are you aware of particular examples of good practice internationally that you would recommend we look at?**

Unable to answer this question.

**16. How do we improve effectiveness and efficiency whilst delivering better standards of building control?**

Develop the role of the Building Safety Regulator as a regulator, not as an allocator of workload. Learn from the difficulties faced by the Building Safety Regulator in managing high risk buildings and avoid making the same mistakes more widely.

**17. How can the system develop to deliver increases in competence and skills?**

Education, training, appropriate training and university/college courses. Apprenticeships and recognition from education institutions towards an established profession.

**18. What are your views on the benefits/risks of the Government's local government reorganisation proposals? Would there be benefits in having fewer shared services operating across a wider area?**

Unable to answer this question.

**19. Would enforcement functions be better served by a more centralised system working in partnership with local authorities where action is necessary?**

As mentioned previously, enforcement powers should sit entirely with the Building Safety Regulator. Capacity would be created by returning client choice for building control for High Risk Buildings, with the Regulator overseeing the competency matrix for appointment for projects depending on risk.

(Document Ends).

