

THE CALLCUTT REVIEW

Memorandum of Evidence from LABC

1. LABC is the representative and marketing body for building control surveyors working in local authorities. We represent some 4000 professionals working in 376 local authorities in England and Wales, and we aim to ensure that clients, designers, contractors and everyone involved in the construction process are fully aware of the strengths of and services offered by local authority building control.

2. LABC's vision is to ensure that local authority building control is at the forefront of securing healthy, safe, sustainable and accessible buildings in the UK. Our mission is to promote, support and enhance local authority building control in the public sector, by providing a strong central and co-ordinating role.

3. We therefore welcome this opportunity to submit evidence to the Review, and will focus on three of the eight questions on which views have been specifically sought. We should, of course, be happy to expand on this material, either in writing or orally.

Q6 Good Quality in Housebuilding

4. In an ideal world housebuilders would always build to high standards, and there would be no need for anyone to check that this is being done. However, although the standards of housebuilding may well have improved in recent years, there are still many reports in the media of examples of poor quality. In addition, the technical requirements on housebuilders have become increasingly demanding and complex, and many builders struggle to know which solutions are viable and appropriate, particularly where new products and systems are on the market. Also much housing in the UK is built speculatively and sold to private individuals, and so the builder has no long-term interest in the quality of what is constructed.

5. At present independent checks of quality are carried out by two separate groups of professionals, in addition to those undertaken for the builder by site agents or clerks of works. The first group is building control surveyors; the second surveyors working for warranty companies.

6. Two groups are needed because legislation constrains local authority building control surveyors to only checking for compliance with the requirements of the Building Regulations. There is a regulation which requires proper materials and good workmanship to be used, but only to the extent necessary for ensuring compliance with the minimum standards of the Regulations. They do not therefore need to be interested in things like tolerances and the quality of finishes. Their responsibility ends if the completed house meets the requirements of the Regulations, even if defects subsequently appear.

7. Warranty companies such as the NHBC and Zurich have a longer term interest in private houses since they might have to correct defects of any sort in the first two years, and structural defects for a further eight. They therefore undertake their own quality inspections based upon their own standards compiled from many years of claims data.

8. Until this year these companies have had certain advantages over local authorities in that they can undertake both building control and warranty inspections, thereby achieving certain operational efficiencies. In recognition of this, LABC in partnership with MD Insurance Services launched the LABC New Homes Warranty in January 2007. Although separate warranty inspections will still be required initially, the aim is to move eventually to a system where local authority building control surveyors carry out both types of check.

9. The Review might wish to consider whether to recommend that the legislative constraints on local authority building control surveyors be removed, and that in the public interest local authorities should be given full responsibility for checking all aspects of the quality of new homes.

Q7 Sustainability

10. With growing concerns about climate change, sustainability is at the top of the Government's agenda, as evidenced by the introduction of the Code for Sustainable Homes. It is too early to say what impact this will have, or how quickly the country can move to zero-carbon homes. LABC and its members fully support the Government's desire to do everything sensible to reduce carbon emissions.

11. There are fears however that the introduction of the Code quite separate from the Building Regulations, and at the same time the growing tendency of planners to want to set higher sustainability standards through that system, will make the regulatory burden on housebuilders more intense (see below) without necessarily achieving higher standards. LABC strongly believes that any matters required by the state, whether for sustainability purposes or otherwise, in the construction of new homes should be contained solely in the Building Regulations so that housebuilders have one clear bible with which to comply. If they want to go further, or homebuyers demand it from them, then that should be left to them.

Q8 Public Interest

12. It is argued above that the public interest demands that local authorities - who are the local guardians of this interest - should have a full role in enforcing quality standards, and at the same time they should ensure that minimum standards of sustainability are achieved. LABC believes that the Building Regulations are already the most effective instrument of public policy to ensure the performance of the housebuilding industry, and that local authorities are uniquely placed to protect the public interest.

13. However, it is not in the public interest for the industry to be over-regulated, and there is evidence of a growing feeling that this is starting to be the case. For example, the recent Opposition prayer against CDM 2007 appears to have been generated by concerns that these requirements on top of separate systems of planning and building control are just too much for small businesses.

14. LABC has long argued that all of the technical requirements on housebuilders should be in one place - the Building Regulations. The Review might wish to consider recommending that a further study be done of the desirability of replacing the existing systems of planning, building control and health & safety by a unified system enforced by local authorities alone.

15. The majority of professionals working in large companies appreciate and choose to use local authorities because of the independence of the advice they receive. They acknowledge the technical quality of that advice, its freedom from commercial bias and its value in helping them deliver quality buildings. 2(2)