



HOUSE OF LORDS

Industry and Regulators Committee

Corrected oral evidence: Building Safety Regulator

Tuesday 8 July 2025

11.30 am

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Members present: Baroness Taylor of Bolton (The Chair); Lord Best; Viscount Chandos; Lord Gilbert of Panteg; Baroness Harding of Winscombe; Baroness Nichols of Selby; Lord Teverson; Viscount Thurso; Viscount Trenchard; Lord Udney-Lister; Baroness Valentine.

Evidence Session No. 5

Heard in Public

Questions 50 - 62

Witnesses

I: Ben Oram, Chair, Architectural Technical Leads Group; Steve Evans, Head of Technical Operations, National House Building Council; Gary Strong, Global Building Standards Director, Royal Institution of Chartered Surveyors.

Examination of witnesses

Ben Oram, Steve Evans and Gary Strong.

Q50 **The Chair:** Good morning. This is the Industry and Regulators Committee of the House of Lords. We are looking into the building safety regulator (BSR). We have three witnesses for this session: Ben Oram, the chair of the Architectural Technical Leads Group, Steve Evans, head of technical operations at the National House Building Council (NHBC), and Gary Strong, global building standards director of the Royal Institution of Chartered Surveyors. Welcome, and thank you for giving your time.

This is a very important and active area. I wonder if you could start by saying how your organisations relate to building safety regulations and any experience you have got of the existing structure with the building safety regulator. Also, if you can, could you incorporate some of your thoughts on some of the changes that have been proposed just a couple of weeks ago, while we have been doing this inquiry? Steve, do you want to start?

Steve Evans: Thank you for asking us to attend. I am head of technical operations at NHBC. We are an independent, private, not-for-profit company, limited by guarantee, delivering housing warranties to new-build homes. Approximately 70% of the new homes built across the UK are covered by an NHBC warranty, and we currently have about 1.5 million homes under cover.

As you say, we are a not-for-profit organisation. Any profits we make are reinvested into our core purpose of improving building quality and safety and ensuring that we have sufficient capital as an insurer. We are also the largest single registered building control approver, providing building control services to approximately 50% of new homes across England and Wales.

Our relationship with the BSR is that, as a registered building control approver, we can no longer look after new HRBs (high-rise buildings), but we have a legacy of about 180 HRBs that we are still looking after that meet the transitional provisions in the changeover from the old regime to the new regime. We also have a framework agreement with the building safety regulator to provide RBI services to support the multi-disciplinary teams and structural engineer support for those multi-disciplinary teams, as well as building safety cases for existing buildings.

On the changes, it is probably too early to tell if they will be successful or not. I had a meeting with the BSR in attendance yesterday. Obviously, they are conscious of that move across, but many of the staff who are presently working within the HSE (Health and Safety Executive) and the BSR will be moving across to the new executive agency. Our hope would be that that will also be supported by experienced people from industry and within building control to ensure that any improvements that they make are carried through and that they take on a lot of advice from industry on how they can make those changes.

Gary Strong: Good morning. I am a chartered building surveyor, and I head up building safety and fire safety globally for the RICS—the Royal Institution of Chartered Surveyors. I am also chair of the International Fire Safety Standards Coalition, which was formed just after Grenfell and now comprises just over 100 professional bodies like the RICS around the world, and is supported by the United Nations out of Geneva.

Our reflections, and what I am going to say today, reflect a wide range of different professions within the RICS. We are kind of a broad church: everything from building control, through building surveyors like myself who may be involved in design, through to quantity surveyors, project managers and construction managers—and valuation surveyors as well, because finance and investment is a key part of all this.

We have been working very intensively with the Government, and the devolved nations in the UK in particular, around fire safety and building safety, and we are spending an inordinate amount of our time volunteering to assist the Government in moving reforms forward post Grenfell. We welcomed the setting up of the BSR; in fact, in Dame Judith Hackitt's workgroups, both for her interim report and her final report in May 2018, we advocated for it being in the HSE. We supported that, and we continue to support the BSR in their role. We think that building safety definitely needed something like the building safety regulator to be set up. We have also been working at pace with government officials around the guidance that they have been issuing over the years, and we have been very heavily involved in the combustible cladding crisis we have got here in the UK—and my work is around the same issue outside the UK in places like Australia.

The EWS1 (external wall systems review) process, which we were asked by the Government—then the Department for Levelling Up, Housing and Communities (DLUHC), now called the Ministry of Housing, Communities and Local Government (MHCLG)—to develop with the lenders, the Building Societies Association and UK Finance, resulted in the EWS1 form as a way of unlocking the housing market and allowing people to start lending to sell or remortgage their flats. That has been largely successful, but not without its challenges along the way.

We have been very focused on combustible cladding and remediation; that has been a big focus of our work. We have also been navigating our members through the changes. The Building Safety Act is probably one of the biggest legislative changes since the Second World War. I think that a lot of actors across the whole broad spectrum of industry have struggled with some of the legislation; it felt like a tsunami of legislation was coming down that track. In my role of trying to give guidance to our members—we have 135,000 members and something like 12,000 regulated firms around the world—it was quite a difficult task to try and keep up with the secondary legislation that was coming through, and then the changes of the secondary legislation that changed the original secondary legislation. There were lots of mistakes made in the rush to

get some of this out and it has been quite frustrating for a lot of people in terms of their understanding.

Coming back to my point, although Dame Judith Hackitt says that culture change is definitely needed—I think we are still on that journey and that we are seeing culture change—we absolutely support the building safety regulator. They have had a difficult challenge from the outset with being set up appropriately and getting the right number of staff in place. I remember the job description for the Chief Inspector of Buildings: Peter Baker, who the first one, said that he had to set up 700 staff. I think at the last count they had something like 360 staff there, so they are at just over half of where the ambition is and still have a long way to go. I was interested in what Mark said earlier about the fact that they are going to recruit 200 by the end of the year—maybe we can come back to that.

There certainly have been delays. The feedback we get from all of our members and regulated firms is that there have definitely been delays at gateway 2 for various reasons. That may have been because some of the design teams were not aware of what they should have been submitting, and there has been a lack of engagement from the building safety regulator with those applicants. I can fully understand that, because as regulators they will simply say “We are the regulator. You come to us with a design, and we will tell you whether it complies or not”.

Those of us who have been around the industry for a long time will know that traditionally you would go to building control at your local authority, discuss with them what was required and get some feel of where you are probably not hitting the mark and where you need to adjust and come back again. That has not taken place, so there are issues—which we have pointed out to the BSR—around early engagement, communication and guidance. Some of the guidance that has been emanating, both from MHCLG and the BSR on GOV.UK, has sometimes been confusing. There has been an issue around some of the issues of timing and version control, and things have been appearing on GOV.UK that do not seem to be related to the actual legislation. So there has been a lot of frustration around this, but we are on a long journey.

Q51 The Chair: We will come back to some of those points. Ben?

Ben Oram: I feel a little outclassed by my colleagues here in the witness stand, or whatever the term is. I am chair and founder of the Architectural Technical Leads Group. We were founded in September 2023 after the secondary legislation was published. The secondary legislation was published in August and came into force in October, six weeks later, which, as everyone should appreciate, is a very brief interval to implement something that is probably the biggest piece of legislation in the construction industry for 40 years.

We have then grown from nothing to around 340 firms, with around 10,000 staff or designers employed by member firms of the group. The group is made up exclusively of designers. We are the people who design the buildings, and discuss with the clients what is needed. We then

manage the process of the design. We are often the people who are actually submitting the designs to the building safety regulator. We are also the people who are chasing the regulator and answering questions from the regulators. So we are, I suppose, at the coalface of this system.

We are actively engaged with other bodies in the industry, like the Royal Institute of British Architects, the Chartered Institute of Architectural Technologists, various other industry bodies and standards developers. One of the things that we are most concerned about is the interface between the building safety regulator and standards, because that is where a lot of the friction is happening, in our view.

We support the building safety regulator. When the changes were first published and the Hackitt report recommendations came out, we were all great advocates of having a single regulator and a central point of approval within the industry, because lack of consistency across building systems standards has been one of our biggest issues. But obviously we have seen the problems around the regulator.

In our view, to summarise, they fall into three broad categories. There is what you might call customer service. Are people answering the phone? Do people want to talk to you? Is there guidance? Those are things that can be improved relatively straightforwardly within the existing legislative framework.

There are then what I think of as structural issues with the system. Broadly speaking, it is fair to say that the gateway system, as designed currently, does not align with what are considered to be current procurement and design methods. That is not to say that those methods should not change, but that is a source of conflict.

Then there are industry-wide problems that the building safety regulator, by dint of it being an industry-wide regulator, is having to grapple with. Those are not the fault of the regulator; those are endemic problems within the industry in terms of standards, guidance, how things are interpreted. "What good looks like" is the classic thing that people say. Those are the biggest points from us.

I am sure that you have talked through the gateway process before and you are probably sick of it, but I will just summarise the stages quickly now. Gateway 1 is implemented through the planning legislation. That is only applicable to certain types of high-risk buildings; it does not apply to hospitals or care homes. At that stage, a fire strategy summary is submitted to the planning authority. The planning authority gives it to the building safety regulator as a statutory consultee and the safety regulator feeds back. That is great, but it means that our members who design hospitals or care homes have no initial engagement with the regulator on which to discuss items of fundamental fire strategy.

There is then a big gap. What the RIBA (Royal Institute of British Architects) plan of work calls stages 3 and 4, which are the biggest technical design stages, are rolled up and those form the gateway to

application. What goes into the gateway to application has been a source of significant discussion which I will not go into now, but the fundamental summary might be that it is everything that is required to demonstrate the safety of the building.

The biggest question is: what is that information? Is it every single screw in the building, every single light fitting, every single little bit of detail? Or is it the broad principles? That is one of the biggest discussions that we have been having as an industry.

Once the gateway to application is approved—our members are seeing approval periods of between 18 and 56 weeks, depending on the process or the different types of application—you can start on site. Any changes that you make to that series of approved documents while you are on site are subject to a change control process, and those changes can be recordable, notifiable—you have to tell the regulator—or major.

Major changes require the approval of the regulator before you can start work on that piece of work. Major changes are indicatively defined in the legislation, but the regulator has discretion to reclassify those. So, you may be submitting something like a change of a light bulb—I am taking an extreme example—where you think it is notifiable, and the regulator can define that as major and prevent you from working on that for six weeks.¹

A big concern of ours is that those changes may be through no fault of your own. You may be working on a remediation project of a high-rise building. You may find ground conditions that you were not expecting, or you may find something else outside your control, then you have to submit a major change application and you cannot do any of that work for six weeks.

That six weeks may also drag because as it currently stands, we can make an application, but the regulator can say we have not had time to deal with this and we have got to have an extension. The only choices available to the applicant are to agree to an extension or have the application rejected. Our members and our clients do not want to do that, so we will just keep agreeing to further and further extensions. That is a big issue for works on site because if you cannot lay your foundations for three months, the project may become unviable.

Once the project has completed construction, all the information to record what is being done and demonstrate compliance is pulled together into what is called a gateway 3 application, and the regulator has eight weeks to review and approve it. While that is happening, you have a complete building that cannot be occupied.

¹ The BSR high-rise building major change statutory approval period is six, not eight, weeks. The witness misspoke during the session, and this has been corrected in the transcript.

I am laying this out in a relatively stark way because these are all issues that affect us and our clients. We support having a system like this. Our key thing is that the system should be streamlined and aligned. It should be consistent, transparent and predictable, which are the three terms that we always discuss. Those are probably the key things here.

The Chair: I think we want to pick up quite a lot in terms of what each of you have said. Viscount Thurso, I will come to you first.

Q52 **Viscount Thurso:** Thank you, Ben, that was a great exposition, so I will come straight to you, if I may. My question would have been about what impact the regulatory framework has had, but you have pretty well answered that, and you are saying it is a great deal. I will move on and first ask, because you represent design—so that is across the whole piece—whether there is the same problem for the remediation of buildings as there is for their building. So as not to go over the same thing twice, are you saying that those fairly considerable delays are currently baked into the system and that we should work to improve it?

Ben Oram: Absolutely—yes. Your example of remediation is a really useful one. With the term “remediation”, broadly, in this context, I think we are all talking about façade remediation—taking the external worn bits of the outside of a building off and replacing them with stuff that is non-combustible; that is probably a good way of summarising it. You do not know what you are going to find until you have taken it all off.

You may take off a series of sample pieces across a building and you may think that is representative of what is actually there, but then you actually open up a bit more you keep finding things and finding changes. Each of those times you find a different circumstance in the existing building, you have to go back. That is potentially another six-week review and agreement period.

Some of our members submit to the regulator a series of representative conditions of what they might find speculatively, but because you do not know what you are going to find; you cannot anticipate all these things. Imagine a building like this—

Viscount Thurso: We can—it is called restoration and renewal.

Ben Oram: You never know what you will find.

The Chair: We know all about delays.

Ben Oram: Exactly. That process of delayed approval and dialogue is right at the centre of this problem.

What we have been discussing as a technical group is looking at something like splitting the gateway 2 into two parts, 2a and 2b, potentially, where 2a might be that you agree a series of principles, fundamental design considerations and positions on guidance and technical approaches. You could then potentially not book with the regulator but agree that you had fixed the set of guidance you were going

to use and the approach now it had been agreed with the regulator. You then have, let us say, six months to produce all that technical information and get the part 2b information to the regulator. There are many advantages to having something like that, but I think that would be a good start. It is that early dialogue on key technical issues that is really important.

- Q53 **Viscount Thurso:** Would Steve or Gary like to add to that? Also, perhaps to what extent do the delays in the regulatory framework compare to the delays in finding, say, skilled people to do the work and all the other things that are risks to a project? Where is this in the scale of things? Perhaps also could you then sum up by saying what impact it is going to have on the Government's targets for housing—if it is possible, in 30 seconds.

Gary Strong: I will just add to that great explanation of where the delays are. We have seen where you could probably improve the system. If you take remediation of external wall systems and cladding, for example, that is a fairly specific topic in its own right. You have to have the right specialists to understand that and then to design the new system, et cetera. . We would advocate a specialist team within the BSR to look at those applications.

We have spent the past eight years just focusing on combustible cladding, in particular, in one of my teams in the RICS. You have to have the right specialist façade engineers and fire engineers who understand this so that you can specify the right thing to go back again. You sometimes come across cladding systems that vary around the building. You might have taken panels off and found it does change. If you have scaffolding up on the outside of a block of flats, with people living in the flats, you cannot just then suddenly go through an eight-week change process and have that delay. You have to get on with it. I advocate that you have a specialist team set up within the BSR that can focus on this and push the remediation forward.

With the plan that the Government came out with to try and get all these buildings remediated, I think as fast as they get buildings remediated, they are finding more ones, particularly below 18 metres. If you look at the latest MHCLG data, there seem to be more buildings added to it than have been remediated. That is the last set of data that has just come out. I think there is a process needed there.

The other thing is category A and category B works at gateway 2. Category A is the fire and life-safety critical elements, which you would expect it to take its time over and look at in some detail, but category B is the non-critical ones. If there was better guidance around that and a better process for it, you could speed up a lot of these applications going through. We do advocate for that.

In terms of the bigger, holistic picture, buildings these days are complex systems. Gone are the days when it was a stone house with a thatched roof. Nowadays you are building very complex buildings—very complex

systems with mechanical and electrical engineering systems, and air conditioning. A whole load of things go into it. Skill shortages is a massive issue. Certainly we have seen skill shortages in the building control area with registered building inspectors that we have lost. I think it came in the earlier panel that a good number of thousands have left the industry completely—just walked away with the mandatory assessment of competence.

But that is not the only area where there are skills shortages and we need the Government to support that in terms of apprenticeships. For example, there is a degree apprenticeship programme where we understand the funding is going to be pulled. That directly affects building control degree apprenticeships, for example. Skills funding is really important in developing the pipeline.

Coming to your point about how the Government are going to deliver all these 1.5 million homes, you will not be able to deliver them without the right people—building control and the building safety regulator, are all part of that, local authority, NHBC or whoever. We need more skilled people and you need to invest in that for the future as well.

Viscount Thurso: Would it be fair to say that while the building regulator is a possibly, I hope, more temporary problem as it beds in, the underlying skill shortage remains probably the biggest single challenge?

Gary Strong: I think it is true. We support the new construction regulator, so we advocate the BSR along with OPSS (Office for Product Safety and Standards) moving into the overarching new construction regulator, which is going to take time to set up, is it not? Nobody is kidding themselves that this is going to be done overnight. It is going to take a number of years for that to be set up properly, learning the lessons from how the BSR was set up and the wobbly road that that took as well. It is going to take a number of years for the new construction regulator to be set up and these new OPSS and BSR agencies bedded into that properly. I agree that skills is a massive challenge for the industry and for the Government.

Steve Evans: I will concede to Ben and Gary on the remedial problems. That is something that we do not deal with; we obviously deal with new homes or whatever. Category A and category B works, which are part of the problem at gateway 2, were not included in the original modelling which the BSR did in terms of what work they were going to be looking at. That type of work is tying up our most skilled and best registered building inspectors. Class 3H building inspectors are on that work when it may be something like remodelling a bathroom, removing a wall, changing appliances. That is not necessarily the best idea.

We are working with the BSR and it has implemented changes which will allow class 2C and 2F RBIs (registered building inspectors) to be able to look after that work so they will be able to contribute to multi-disciplinary teams. That is something we would look to support at NHBC, if we were able to, bearing in mind our existing customer base.

That brings us on to the resources. That is that is a key issue, certainly in terms of registered building inspectors. As we heard earlier, the industry is now regulated and, as part of going through that regulation process, between 1,000 and 1,500 registered building surveyors—building inspectors as you would know them—left the industry or have taken on the lowest classifications of class 1.

We were quite lucky at NHBC. We supported our people going through that process and retained a high number of them. But class 3Hs are the lowest proportion of RBIs that we have. We have around 30 and there are less than 400 in the country to do that work. That is the resource the BSR needs to support the multi-disciplinary teams at the moment. It is also the resource that the BSR is looking to recruit. If it is going to be taking on those class 3Hs, it will be depriving the rest of the industry—the work outside the BSR—of that resource as well, so it is a common problem.

Generally, across the building control industry, there is a need to increase resources. That is recognised by MHCLG. In terms of the 1.5 million homes target, obviously clearing up the BSR—this blockage at gateway 2, if you like—is fundamental in delivering that target. NHBC figures show that in London registrations in 2024 were 48% down on 2023, so there is clearly a pipeline issue there in terms of sites coming through.

Q54 Lord Best: We have heard people who are quite frustrated by the BSR not specifying exactly what it requires. What does good look like? We do not always have a clear answer to that. Do you feel that a more prescriptive, more specific set of requirements would help get things faster and more straightforwardly dealt with?

Gary Strong: Statutory guidance—if you call it that—from the BSR is one of the things we have been asking for a long time, ever since the get-go with BSR being set up. If you take safety case reports, for example, we had a number of calls into the RICS from social housing providers and others who were trying to do the right thing. They simply said, “What is a safety case? What is in it? What does a safety case report look like? Can you please help us because what does good look like?” We said to them, “The BSR should be the ones telling you this”. It was really slow in coming out with the guidance around that. Obviously in that time, the social housing providers have made a great job of doing this but it was really quite painful to get to the stage where they really understood what the BSR was looking for.

I think it is the same in building control. If it is new design or remediation works as well, we have said constantly to the BSR that it needs to communicate much better with industry. It needs to engage with industry far better and produce the guidance everybody is requiring.

I know that Mark’s (Reynolds) Construction Leadership Council (CLC) are going to come out with some guidance imminently. One of our members is working on that guidance behind the scenes, so I know it is about to be published. If they can get the BSR and MHCLG to agree to it, that is fine,

but we are two years or more after the creation of the BSR, so it is long overdue to get that guidance ready.

There needs to be a little bit of a change of attitude—which I think we are seeing—towards, “We are the regulator, but we are here to help you”. In the early days, I do not think that was there at all; it was, “We are the regulator”, but now there has been a change and they are more willing to engage with industry to produce the guidance. The guidance is crucial for us to get consistency and transparency so that, whether you or I am designing something, we know what it is that we are supposed to be aiming for when we submit to the building safety regulator.

Lord Best: I do not know whether Steve and Ben would agree, but it seems things have been getting a little bit better and we have got some guidance in the wings that is going to come out soon. I will not say “problem solved”, but progress—

Steve Evans: I think the BSR have been listening. They have got a very large remit. The gateway process is part of its work, and they have been listening across the board.

On the gateway process, I will give you an example: one of our RBIs is involved in a multi-disciplinary team that is looking after a large multi-phase project. The initial instruction that we had from the BSR was that all communications had to go through the BSR. We were not allowed to talk to the principal designer to give direct feedback, so there were no experts talking to experts explaining what the issue is. That has changed as recently as this week. There are still strict protocols in place so that there is transparency, and so that the BSR is aware of those conversations and that the principal designer is not trying to circumvent the system to get away with something less than what is actually required, but there is now the opportunity for those multi-disciplinary teams to engage directly with the principal designer and assist them on what the BSR would expect to see, and to give that feedback. It is changing slowly. Some would say too late, but they are listening and changing. They themselves are operating within a very strict regulatory framework that was put down.

Ben Oram: Yes, prescriptive guidance will be really useful, but whatever guidance comes out has to be thoroughly developed with industry and the BSR needs to give it explicit endorsement. It cannot be produced by intermediaries and then run past the BSR with the hope that they will agree. I sit on the CLC task and finish group with the BSR that is trying to develop some of this guidance that is coming out, but it does need to be endorsed by the BSR and then consistently applied across their teams and review processes.

We keep saying “consistency”, but the BSR’s external procurement of multi-disciplinary teams is one of the biggest issues here. For example, say you have a group from team A and a group from team B and our members submit two effectively identical applications for two identical towers on one site. Tower A goes to team A and tower B goes to team B,

with a completely different set of responses from different teams. The BSR needs to consistently apply standards across all projects. It is a bit like having an exam moderation system, if you think about it that way.

Earlier I talked about the problem of standards. I can waffle on about that for a minute, but one of the fundamental issues here is that we as designers implement our designs based on guidance and standards that are often inconsistent and subject to judgment. They are not meant to be tick-box applied, they are meant to be applied by someone who has the ability to analyse, review, see what is applicable and take a view on these things. The BSR teams are terrified of taking judgments on where these parts of the guidance are subjective. That is one of the core problems, and that is why we need this early engagement with the BSR and this set of very endorsed guidance to work out, anticipate and work around these gaps in guidance. It is potentially quite a big issue for us in our design processes.

Q55 Baroness Harding of Winscombe: I will take a different angle on basically the same theme. We have heard industry—and all three of you this morning in different ways—calling for better communication, engagement and feedback from both the BSR and the MDTs (multi-disciplinary teams). How do you do that consistently, while at the same time mitigating any risk of industry capture? What would you see needing to change in the way that the communication and transparency would work?

Steve Evans: The example I gave earlier—of us now being able to communicate directly with the builder via the multi-disciplinary team—is all being done transparently, so all the emails that are going back and forwards are copied into the BSR. The BSR has a regulatory lead on every project; it is obviously for them to then ensure that there is consistency between all the multi-disciplinary teams. Unfortunately, our experience is that those regulatory leads have changed quite regularly, so you lose that consistency in a couple of instances.

I think there are mechanisms to ensure that that is being done. The recommendation around organisational, client-led teams looking after things on an organisation-by-organisation basis may work, but that will not work for every circumstance. There are some builders who build multiple blocks and whose business model is based on that, while others generally deal with non-HRBs but may build something that is just one or two floors above the threshold. Therefore you have still got to have the dual system, but for some builders—certainly those within London and those that do multiple blocks—the organisation-by-organisation structure may work, subject to more detail and seeing what that looks like, of course.

Gary Strong: There are multiple ways in which you can communicate a lot of this. For example, the BSR could run workshops across industry as a whole so that they can invite whoever wants to attend and make sure that there is a consistent message coming out from the presenters. There are podcasts and all sorts of methods that we use to communicate to our

members in a consistent manner. For example, on the RICS website we have FAQs around a lot of this that we have had to develop in the absence of any guidance from the BSR. That is the type of thing that I would advocate, because we know that our website viewing pages are incredibly popular, which is why we developed them in the first place, and we keep adding to them.

The BSR could do that. There are multiple ways in which they could communicate consistently across industry if they came out and engaged with industry in that manner. They do the building safety conference on an annual basis, but that is just a one-off conference that is quite high-level; it is not down in the weeds and the detail that builders and applicants really want to get to. That is where consistent messaging is the right way to do it, whether it is a one or two-hour webinar led by the right technical people. We advocated to Philip White about six months ago that he needs to do much more communication to get his message across.

Baroness Harding of Winscombe: What do you think the barriers to the BSR doing this are? What you are describing is not rocket science. It is not a new, modern way of working; it is fairly straightforward if you are trying to lead a system.

Gary Strong: I do wonder about the resources, because when we discussed this there were lots of nods of heads and, "Yeah, yeah, we will do that", but nothing has really happened. Maybe it is the resourcing within the BSR—they had enormous challenges around that. They are now going to try and recruit 200 staff by the end of the year, which I still think is going to be woefully low, frankly. If we have got an ambitious target to build far more homes in this country, then 200 staff is not going to cut it, and just a few more fire engineers, RBIs et cetera is not going to be enough by any means, so they need to really ramp up the recruitment.

They have had challenges around that with the salaries in the public sector where they have not been able to match the salaries of the private sector. We are all fishing in the same pool, so you are robbing Peter to pay Paul. If you take somebody from the private sector to put them into the BSR, you have still got the same number of people floating around. That is why you need to engage young people to come into the industry and forge a career in this, which, sadly, we are not really seeing at the moment. So there is a lot that can be done, but resourcing has been an issue for them.

Ben Oram: The thing that I worry about most, in some ways, is the challenge of the regulator engaging with industry. My experience has been very similar to both other witnesses: it does not feel as though it has enough in-house technical knowhow to take positions on key elements of construction.

I will give an example. British Standard 9991, which was amended, is the British standard for the design of fire safety in residential buildings. It

was discussed, and various drafts were circulated, for about 10 years, and then it was published with very little intro last October. That will be the fundamental standard used for most high-risk residential buildings in the UK, because it allows for more flexibility and is designed for large residential buildings. However, there was a drafting error in the standard: it missed out a reference to Approved Document K, which talks about how big your stairs have to be. It only referenced the European standard or the BS EN standard.

That was a drafting error, which meant that, if you were to design in accordance with the standard—the tick-box approach—all your stairs would get about half a metre longer. That is quite a big change for a large residential building. You would, in effect, have to redesign a lot of the buildings.

The BSR did not publicly take a position on that for months, and that left a gap in the industry where we were not able to work out how big to make our staircases. We could take the sensible approach and use the approved documents, which were not explicitly endorsed given the errors within the standard, or we could just go with the worst-case approach and lose space in the flats.

That kind of judgment call—taking a tick-box approach or not—needs technical expertise in the building safety regulator, which also needs to take a public stance on these issues. That example is one of hundreds that I could talk about. The regulator needs in-house expertise and it needs to take—let us say—a more affirmative approach to some of the fundamental guidance produced within the industry. It definitely needs to review the approved documents; there are significant problems with them.

It also needs to take a governance approach across the industry; it cannot sit back and say, “Well, we expect you to justify this”. We can, but I may take a decision now on a project that will not go into the safety regulator for nine months. That decision is fundamental, and we need early engagement and guidance from the regulator to de-risk these problems; otherwise, clients will not want to spend abortive amounts of money going into the gateway system, only to be rejected on a fundamental issue.

Consistent, holistic and well-structured guidance directly from the regulator is needed. One of the issues that the first-tier tribunal raised, either earlier this year or last year, was about the fragmented and inconsistent approach to guidance across the BSR, HSE, MHCLG and DLUHC websites—all the various webpages—which are very difficult to navigate, inconsistent and sometimes contradictory. There needs to be a central source of truth within guidance.

Gary Strong: My experience is that MHCLG takes a position much quicker. We have found that it is much quicker to come out and say something. I wrote an article about how difficult it is to measure height and storeys these days under the different legislation and regulations,

whether it is the Building Safety Act or the Building Regulations. We have to ask ourselves: how do we determine height? My article is on the RICS website, if you want to read it.

The point was that the MHCLG, as a result of a First-tier Tribunal case, came out fairly quickly with a position on it, but we did not see the same happening within the BSR. Following on from Ben's point, there was a reluctance in the BSR to take a position on things such as BS 9991 (a British Standard that provides guidance on fire safety). I am glad, in a way, that the BSR is moving into MHCLG, because we have seen a much better culture of it saying, "We have spotted that there is a problem here, so we will come out and say something on GOV.UK, and then try to move forward".

The Chair: There are solutions.

Q56 Lord Gilbert of Panteg: Any body or any industry that is regulated says they want the same thing from regulators: predictability, clarity and consistency. That is what you have said. I take that to mean that, in this sector, you favour a rules-based rather than a principles-based approach; those rules need to be backed by clear guidance; and that needs to be a process that you are part of. If I have got that wrong, come back on it.

I want to ask about the legislation itself. Is part of the reason why there is not sufficient clarity down to the lack of clarity in the legislation? Is legislation insufficiently specific and, if so, is that dealt with either by better—more specific—legislation in the future or by the regulator issuing detailed interpretation and guidance?

Steve Evans: The Building Safety Act is very much an enabling Act. It was then supported by upwards of 30 different statutory instruments, some of which, as Gary mentioned, corrected previous statutory instruments that had been issued, because there had been mistakes. So the legislation is very detailed and can be quite a minefield to navigate. Some of our staff are members of the RSS, and we have seen some of the guidance that the RSS has produced on that. We have had to run extensive training for our own people on what the legislation means and the processes that need to be followed. We are also supporting some of our builders because these changes are not just for HRBs but for all construction: the processes for building control and Building Regulations have changed for all of that.

So I do not necessarily think that there is a lack of detail; I think sometimes it is the interpretation. The HSE is very process-driven. The BSR has taken that on and, because some of the processes are so detailed, it follows them to the letter. That has sometimes constrained what it can do. For example, looking at the use of class 3Hs on the multi-disciplinary teams, the fact is that the legislation requires that the only class of registered building inspector who can work on a HRB is a class 3. That has tied its hands: the multitude of category A and B works that have come through have had to be looked at by a class 3H. That ties up your most experienced resource, which is better used looking at the

HRBs, which are the more complex works. So, in some cases, there is an overburden of regulation.

On the Building Regulations themselves, we have had functional regulations since 1985 and guidance to support those—and then builders can demonstrate compliance. So, again, there is an argument for more prescriptive guidance from the BSR or from MHCLG. But, at the end of the day, does that then stifle innovation and design moving forward?

There are responsibilities on the builders themselves—the principal designers and contractors. It is their responsibility to demonstrate compliance. As the BSR, we are the regulator; we are not the designer. It is for the principal designer and contractor to demonstrate compliance.

Lord Gilbert of Panteg: I want to see what the idea looks like. It looks like clear but quite broad legislation; a rulebook from the regulator that is sufficiently nimble to be updated to take account of innovation; and then clarity at any moment in time about what is required of you. Are those the elements that would make a successful approach to regulation for your industry?

Gary Strong: I think so. Coming to your point about whether it is prescription or principles, I think it is a combination of both. You have the functional requirements—the principles, if you like—in the Building Regulations 2010, and then there are the perhaps more prescriptive elements of the statutory guidance, such as the approved documents. So it is a combination of principles and prescription in a way. Then you obviously have the standards such as 9991, et cetera, that the BSI is producing, and we contribute to their production—we are currently doing so.

So it is a combination of both, but you have to get the outcomes right—that means safe, quality buildings at the end of the day—while not stifling innovation. I remember that, 30 years or so ago, people were saying that prescriptive regulations will completely stifle innovation and you will just end up with the same old stuff that we have been building for years, so you need to allow innovation. But maybe, over the past 20 years or so, that innovation went perhaps too far and the regulations were not catching up properly with it.

Lord Gilbert of Panteg: But the problem is if the prescription is in the legislation rather than the rulebook, is it not? If the prescription is in the legislation, there is no flexibility. If it is not, then there is.

Ben Oram: Broad performance-based legislation with detailed interpretive guidance is the right approach. Other related fields-of-use things, like approved codes of practice, are useful tools, because they will be endorsed by the implementing authority but are flexible enough to be changed rather than being in statute.

Right now, for instance, there are problems. There are direct contradictions, for instance, between prescriptive requirements within the

Building Regulations—Regulations 7(2) and 7(3)—and the approved documents. Those need to be ironed out. The approved documents can be changed; legislation cannot. It is with these kinds of things that the BSR, being the holistic authority with the ability to oversee these issues, would be ideal and a useful structural arrangement.

Lord Gilbert of Panteg: The other important thing in the Act is the introduction of responsibilities under the accountable persons regime. Will that have any impact on developers and their behaviour, and on the safety of buildings?

Gary Strong: You have principal accountable persons and accountable persons. That new regime has come in and, again, it is an area where people were struggling as to what that role really means. Who is it? When it was first mooted in the Bill before it became an Act, people were going, “I don’t really understand this role exactly. Who is ever going to fulfil it? It sounds like it’s a combination of being an architect, engineer, developer and managing agent all rolled into one—and possibly a lawyer thrown in for good measure”.

People struggled in this area initially, but they have now got used to what the role is. It is quite an onerous role, in terms of liability, but it is important that the accountable person is there for a particular building. Any changes to the building obviously have to go through the PAP and the accountable person—whichever is responsible for that part of the building.

Yes, there is an impact on developers. A lot of it is around competence as well. Since the competence steering group was set up and chaired by Graham Watts from the CIC back in 2018, we have spent a lot of time looking at competence across all disciplines, across the whole built environment. I still think we have a long way to go in getting competence right and that people do not quite understand the role. I had an enquiry yesterday about exactly this, when somebody did not really understand what they were signing up to. That is a challenge for the industry as a whole.

Q57 **Lord Teverson:** I will take you up on something you said earlier about different speeds of clarification between the government department—the MHCLG—and the BSR. Did I get the impression that you could have an opinion from both of them and that they could conflict, or have I got that completely wrong?

Gary Strong: It is probably no secret the MHCLG is a different department to the HSE for the BSR, and that they have not exactly jogged along very well over the past couple of years or so. There has been an issue that we have been aware of from talking to officials behind the scenes about this. I think that everything comes out now on GOV.UK, which we advocated for, but the HSE does its own technical bulletins. Members of the panel probably all receive the HSE bulletins, which will give you a bulletin view about something that has come directly from the

HSE, but that is not necessarily what it says on GOV.UK. That is where industry has struggled.

I know that one of our members has tracked all these issues and has a good log of where there has been a difference of opinion between what appears to be the same Government, but is not; it is coming from different agencies of the Government.

Lord Teverson: Will that be resolved when the BSR comes out of the HSE or will the HSE still have those responsibilities anyway?

Gary Strong: We are hoping that moving it under the umbrella of the MHCLG will resolve all these issues and that, as the senior partner, the MHCLG will take control of these types of issues. We are very quick to point them out, but it is about making sure that we get the response in time and about the new construction regulator having oversight of all of this—both products and the BSR. That means that there is more joined-up government and transparency about what different departments are doing.

Lord Teverson: Can I come to the cultural side? One of the areas that came out of the Grenfell inquiry was about problems of culture in the industry. We have discussed before in this committee ways of subcontracting or contracting works and the profit motive. We had some very strong evidence last week saying that the bottom line was hugely dominant in terms of the quality and safety of construction. We all know that changing culture in a business, let alone a sector, can take years—and we have had years since Grenfell, unfortunately. Give me some practical evidence that culture in this sector has really changed.

Ben Oram: There have been significant improvements in culture. Personally, I am probably exposed to the better examples. I should have said that, actually, my day job is as the technical director at a medium-sized architectural firm called Buckley Gray Yeoman. We do a mixture of housing, offices and various other things. But we are obviously exposed to contractors, clients and everything in our day job, and we are noticing that a lot of the better-organised clients, with legal advice, are taking things on board. They are implementing their duties to monitor the competence of the people they appoint, which is one of the fundamental improvements in the amended Building Regulations. But we are also seeing—

Lord Teverson: I find it incredible to suggest that, previously, they would appoint incompetent contractors.

Ben Oram: Yes and, unfortunately, I have had some terrible experiences with incompetent members of the construction industry. They exist in all industries, but in the construction industry the consequences can be even more severe.

The requirements on clients to appoint competent people is fantastic, but a big problem for clients is what competent is. How do I measure that

and how do I evidence it? There is not a consistent system in place yet to measure competence across the industry. There are standards coming out; at the last count, I think there were 70 different standards being developed for different aspects of the industry.

One of the other requirements under the amended Building Regulations is that clients provide sufficient design and resource to develop and build a compliant design. Unfortunately, that does not seem to have changed. We are still seeing unrealistic programmes for both the design and construction phases.

What we call “clients” is not always very clear under the Act or the regulations. Many clients are actually overseas funders, which may be some sort of financial vehicle based overseas, which has no visibility of the regulations in the UK. Yes, money is still the thing that fundamentally drives every single project.

My view is that we could come to a better combination or marrying of the financial motive with compliance by making the compliance process more predictable. Making things more predictable and legible allows funders to evaluate risk better, so they would be able, hopefully, to fund the same projects and get the same return, and have an improvement on safety. Our clients are telling us that they need that predictability.

Steve Evans: It is changing, although not quite as quickly as we would hope across the whole construction industry. Obviously the focus of the BSR was very much on those that build HRBs to begin with, so we were quickly dealing with a lot of customers who wanted to do the right thing. A good example of that is the introduction of a second staircase. We actually had some of our customers revisit designs that previously had a single staircase, which they had not constructed yet, to insert a second staircase. That was a culture change; they could have proceeded with a single staircase, but they felt that the right thing to do was to go back and put that second staircase in, and they have done that.

Outside that sector, for non-HRBs, it has been a little slower, because for a number of years after the introduction of the Building Safety Act it was about, “Well, it doesn’t affect me because it’s about HRBs”. We are seeing those changes. I deal with a number of our builders that have been engaged for a number of years and are still actively engaged in making sure that all their processes follow the new regulations, that they have the requirements and that they understand their responsibility as a client, a principal designer and a principal contractor, in ensuring that they appoint competent individuals.

It still has a way to go but I think that there is cultural change, certainly within the area in which I am working. Again, there are challenges outside that market—the domestic alteration market and the small works market still have to be reached, because the responsibilities are across the industry, of course.

Gary Strong: From the RICS's point of view—we look at small kitchen extensions, all the way through to HRBs—there is definitely a culture change in the HRB world. All the professions that are represented here—architects, engineers, surveyors et cetera—have bought into the whole concept of fire safety and building safety in particular. There are competence frameworks in place and competence assessments, as there are for RBIs now and so on.

But I worry about the smaller contractors, not the tier 1 contractors represented by people like Mark earlier. We absolutely know and have seen evidence of what they have been doing around this whole area of building safety, and they have done a fantastic job around it, but I worry about it further down the line. It may be somebody who was just commissioned by a managing agent to do some kind of repair work, whether to a sprinkler system, a fire alarm system or whatever it is; where is the competence being checked at that level? That is what we are not seeing at the moment, which is a real shame.

While we have all been working heavily on the post-Grenfell reforms, particularly around competence—a massive amount of work has gone into competence—we are not seeing it being translated, on the ground, to the installers and people actually doing the works. In the RICS fire expert working group, we have a lady from a testing laboratory who keeps referring me to contractors who put non-intumescent sealant around pipes. They just put basic, domestic white sealant around some pipes that have gone through a compartment wall. She keeps sending me photographs of these things. This is a very good, practical illustration that whoever did that does not properly understand about fire stopping around pipes that go through compartment walls. They are just using the stuff that you can buy from B&Q. There is still a worry that that type of thing is happening and we have a long way to go to address that kind of competence.

In other countries, like Australia, they have licensing schemes for many of their contractors. We do not have that in the UK, but it is something that the new construction regulator will have to get its head around at some point.

Ben Oram: I will just jump in and say that there is a route underneath the HRB legislation for scheme work to be approved, but we are seeing almost no uptake of that within industry. I think that is fair. You can have licensed installers—I think this is the right term—that do certain types of work. For instance, maybe there will be a process for fire stopping, which would be ideal—you definitely need something like that in HRBs—but it is not happening. A few months ago, I think there was just one example of scheme work being implemented. That is a really useful mechanism that could be used to accelerate things like remedial works to fire doors, window replacements and that sort of thing.

Q58 **Lord Udney-Lister:** I just need to declare an interest. You probably heard me say it earlier, but I will repeat it for the record: I am a non-executive director of Stanhope Properties. I am also an adviser to Delancey and I

chair a registered housing provider, BMGP Homes—just for the record.

I want to pick up on a point, Mr Evans, that you started or referred to, which was the proposal to start doing some approvals on an organisation-by-organisation basis. I want to ask all of you to expand on that a little and on whether you think it is one way forward.

Secondly, we have talked a lot about efficiencies to the gateway processes, but one that cropped up previously in our discussions is where we have what I will call an estate, for want of a better term—several buildings that are all basically the same, but that are remediated separately and which may be at different heights. There may be some low-rise and some high-rise, and different teams and inconsistencies running through it. I would like to ask you a little about that and whether that is fair as a problem, and about all the properties under 11 metres. Should they have the same kind of inspection regimes as everything else or would it be easier if they were dropped off the list or done in an entirely different way?

Steve Evans: On the organisation-by-organisation basis, the earlier session alluded to a client basis. For those principal contractors that build lots of blocks, their businesses are block-based; they build HRBs. That works really well, because they can have a team within the BSR that works with them, and they get that transparency and consistency. I would not say that there is familiarity, but you can still have a relationship between the regulator and the principal designer or contractor, in which each is familiar with how the other operates. We do that within the NHBC; we have customers that we deal with across the UK that come to us because they get that consistency. That works really well.

You also have to understand that there are variances within these organisations. Even the large customers that we deal with across the UK operate differently in different parts of the country, which has to be taken into account. The earlier suggestion was that, even though you may have these organisational teams—client or account teams maybe—there still has to be local involvement to make sure that local issues are taken into account in terms of structures and any conditions around them. That is important.

I think I alluded earlier to the inconsistencies that builders or principal designers and design teams are getting back from the multi-disciplinary teams. Even the guidance that our people had on how they should deal with customers or deal through the principal designers or contractors with the multi-disciplinary teams was initially around, "You shouldn't communicate with them; it has to be through the regulator". Now, we can have that direct contact but on only one project; we have not yet received instruction to do that on another project. There is still that inconsistency there and that needs to be improved. The BSR is aware of that. Closer communication between the regulatory leads within the BSR, in making sure that they have those consistencies, is important.

I think the final thing that was mentioned was around smaller buildings under 11 metres. At the NHBC, we have an inspection regime that has been tried and tested. We are continually evolving that and we administer it for whatever height of building we are looking after. We have key-stage inspections; we target a minimum of five inspections for all low-rise housing, but generally do more than that. For blocks and taller buildings, we do intermediate inspections, block inspections, fire safety inspections and things like that. We have a similar inspection regime across the board, because it is important that everyone feels safe in their home and that everyone has a quality new home. That is really important, whether it is for a two-storey or three-storey home or the penthouse of a 50-storey tower. It is really important that they have a safe building and a quality building, as well.

Gary Strong: On the organisational approach, in principle—and I heard Mark say earlier that there are advantages to doing that and speeding up the process—my caution would be to make sure, like Steve was saying, that it really works at a local level. Do you have consistency across the whole organisation? I think you could fall into the trap of having inconsistency across the organisation. That should not happen if you deal with it organisation by organisation; you should get the consistency of training, processes and all the rest of it within that firm. But my fear is about not doing it building by building and assessing each on a case-by-case basis, rather at an organisational level. That is a slight caution from me about how that would work in terms of building safety.

On the inconsistency of the MDTs, as I said earlier, when it comes to the remediation of cladding, I would advocate that you have the same MDTs that are working on this so that there is no inconsistency. Even on an estate of, say, seven blocks, you should have the same MDTs working on it so that you have absolute consistency of approach across it. We know from the latest MHCLG data that there is still a long way to go on remediation. I do not think we are going to hit the 2029 target for the Government's ambitions around this by any means, because there are just far too many buildings, and still yet more are coming out of the woodwork.

On sub-11 metres, the unfortunate thing about height—11 metres or 18 metres—is that it is not a determinant of risk. A building that is 17.5 metres is just as risky as one that is 18.5 metres. A building that is 9.5 metres could be just as risky as one that is 18 metres. It depends on the layout of the building, the occupancy, what it is built of and a whole range of things.

Unfortunately, we do have this kind of rigid adherence to heights—11, 18, 30 metres et cetera. I would advocate that there are still risky buildings below 11 metres, and nobody is really talking about those. There is no cladding remediation scheme, and the cladding safety scheme only deals with 11 metres-plus, as does the building safety fund, the ACM remediation scheme, the developer remediation scheme and so on. They are all 11 metres and above.

I think there is an issue there that is probably the elephant in the room that the Government do not want to address, because think of the scale of that. Most of our buildings are 11 metres and below. You have only got to look at the Home Office statistics on fire fatalities and injuries. They tell you that most fatalities and injuries are in the sub 11-metre sector. They are in low-rise, not high-rise buildings. So we have got a challenge. Once we are through remediating buildings above 18 metres, and then the next tranche of the 11 metres-plus et cetera, I still think we are going to have problems with sub-11 metres that are going to take up a lot of our time.

Ben Oram: Just talking about the organisation-by-organisation approach, I still do not think it is clear what is being proposed here. That is a fundamental issue. If you were to say that it was going to be the organisation of, let us say, a large developer, that makes sense—they have a supply chain and a design chain, and they understand how that might work—but you have got to understand that a lot of developments have a bespoke team. Every single development might have a completely different architect, different structural engineer, different MEP and different builder. Is that an organisation for that project? Are you only vetting the client in that project stream? Are you vetting that combination of consultants and designers? How does that work? It is an interesting idea, but I do not really see how it will work in real life. You might be able to regulate all NHS projects through an organisation-by-organisation structure where you had a framework—that could work—but the massive variety of combinations of designers and project delivery mechanisms means that it does not feel viable to me.

On part 2—inconsistent MDT works—that is something that we are seeing a significant problem with in our group. One of our concerns is that, in many cases, the regulatory leads (case officers) on the MDTs do not seem to have construction experience; they are being drawn from various different backgrounds such as financial regulation or health regulation. I cannot say this enough: people that are involved in regulating construction need construction experience. It has taken me 20 years to get to the level of understanding that I have now. I cannot see how a regulatory lead could take a sensible view across really complex construction projects without taking a few years to get into position. As far as I can tell, they might have had three months' training, so that can be a significant issue.

On 11 metres, yes, there are significant and uncontrolled risks in that there are absolutely shocking examples of construction below the 18-metre threshold and around the 11-metre threshold. Having the two regimes separated is asking for problems later. I am hopeful that having a single construction regulator that regulates all construction through various RBI processes, and that takes an active approach and publishes active guidance and interpretation, will help these lower-rise and other categories work.

Q59 **Viscount Chandos:** In answer to Lady Harding's question, you talked

about resources, and the comments you made just now about 11-metre-and-below buildings implies an even greater workload. I think Lady Nichols is going to talk about how the resources can be used in-house, out-house and so on, so I would like to ask the macro question: is the BSR adequately resourced for what it is currently doing, and what it may need to be doing in the future? If it is not, is the industry willing to increase the fees that the regulator is paid to improve the level of resourcing that it has?

Gary Strong: On resourcing, my feedback that we receive from our members and firms is that the BSR is not adequately resourced. I know that Mark was taking a different view of that this morning, but our view is that the delays have built up because there are inadequate resources there. If you had enough resources flooding all these developments and applications, you would be able to get through them in the statutory period, would you not? I think that is surely clear evidence that there are inadequate resources. The fact that they are going to recruit 200 people by the end of the year via the fast-track process et cetera, which includes recruiting 100 technical people, surely indicates that they do not have sufficient resources.

In our own research, which I remember very clearly from way back in 2022, the target for the number of people that they should recruit was 700. There are about half that number at the moment, which again indicates to me that they have got inadequate resources. I know that is a challenge, because, as I said before, they are recruiting from the same pool of people that we are recruiting from and there just simply are not enough people around. To get the right people in, they desperately need the right people in there to support, and I think the example Ben gave just now of the case handler who was not even from a construction background has to change. You have to have someone who has got a construction background to lead these cases, along with the engineers, fire engineers, RBIs et cetera.

Would industry pay more? If they saw tangible improvement in the speed of these applications going through, then I think they would pay more. That would be my view. We have got to be careful about some of this in that we do not want remediation costs being passed on to leaseholders. If there is an increase in fees from the BSR, then that might end up coming back to leaseholders, and we have got to be careful about the public interest aspect of that. But, on the whole, I would say that developers would probably say that they would pay more if it was going to result in a premium service, and then they can get these things built.

At the moment, it is costing developers a fortune in finance costs. Every week is costing them money for a delay, and, in some instances, there are delays of up to over 50 weeks. That is an awful lot of time that is being lost. As Mark was alluding to earlier, eventually developments may not go ahead because the financiers may get cold feet on the whole thing and pull out, so I think they probably would pay to speed up the process. That is my view anyway.

The Chair: Baroness Nichols, I think you wanted to follow up on this aspect.

Q60 Baroness Nichols of Selby: Yes. I think you have probably answered most of the question in saying that there are not enough resources, although someone said earlier that there were. You have also spoken about trying to get people from the same pool, and the difference between public and private sector salaries has been mentioned. I worked in the public sector for 40 years, so I understand that bit of it as well. I think we have got the view that there are not sufficient skilled staff in the BSR, and that the Government want to increase recruitment in-house, but how do we achieve that? Do you think that a significant increase in salary would be needed to get people into this role? I am keener to hear whether you think this should be through apprenticeships—that take a long time—or through looking at people in the same industry and developing their skills to do this somewhat differently. How do you think that can be achieved?

Gary Strong: It is an interesting question, is it not? If you remember, the Government decided that they were going to give more support to planners and increase the number of planners, but they were completely silent around building control inspectors. That was really disappointing, because you need building control inspectors—RBIs, we call them now—to be part of the whole equation. Just increasing the number of planners would not be sufficient if you cannot then get the things built.

This is about the whole area of central government funding to support more people coming into the industry. At the early stages of their career, will it be a really vibrant career path for people to go down straight out of school? What is the incentive to doing that?

We know that, in local authority building control, salaries have been quite low historically and that they are still not great now. A lot of parents might be saying, “Why would I want my son or daughter to go into that building control area? They don’t look to be very well paid to me”. There will definitely need to be an adjustment of salaries to attract more people into the industry because, at the end of the day, they need to earn a living and they will go to the industries that pay them the most. That is the reality.

The Government should do whatever they can to encourage more people to come in. They could give more support, as I mentioned earlier, to the trailblazer apprenticeship schemes, but that takes time, and more support for university courses or degree conversion courses. They may have done a degree in, say, history, which can convert at master’s level to the built environment to encourage people in. Then, for people in mid-career changes—people leaving the armed services and that type of thing—coming into a vibrant built environment will need a concerted effort. We have not really seen that.

Baroness Nichols of Selby: My local authority has just brought the building control partnership back in-house, but we have seen a

difference—it was between eight councils, at one point—in salaries when it came back. The salaries might be the same, but local authorities tend not to do the add-on benefits, like the cars provided and so on. I suppose that that is something that you would need to think about, if that is what we are doing.

Gary Strong: It is about the whole package. You get company cars in private practice commonly, or a car allowance, bonuses, private health—all that type of thing that local authorities do not have.

Baroness Nichols of Selby: No bonuses under equal pay—we cannot go down that route again, I am afraid.

Steve Evans: There are different drivers for individuals. For some people, working within the public sector is fine for them. They are looking long-term. Others at a different stage of their life might want to come to the private sector. The beauty of it now being a regulated industry, and having registered RBIs, is that, because we have a classification that goes across the public and private sector, individuals can move between the two as they progress through their life, their circumstances change, they want to move around the country and things like that.

So there is a beauty for the individual in become a registered building inspector now. After becoming a regulated industry, the NHBC has certainly been successful in taking on trainees. In the last two years, we have taken on 10 trainee building inspectors and about 30 building surveyors. This year, we will take on upwards of about 30 new trainees. We have certainly been successful in that some of our trainees have now achieved class 2A; they are now class 2A RBIs who can actually take a workload and things like that. There is investment in that. We try to make it look like it is a really worthwhile career. I think the Government have been supportive; they have given financial assistance to the building control sector in bringing in trainees. They have added that to the fire and rescue service, as well.

My concern in hearing that the BSR wants to take on more permanent staff is where that resource will come from at the moment. If the resources are not there to support them now, and they are taking that resource in-house, it is just shifting the problem somewhere else. Unfortunately, bringing people in and training them will be a slow burner, but it is what we all have to do as an industry.

- Q61 **Viscount Trenchard:** Could I go further into the question of the BSR and how its limited resources are being used? Is the BSR making progress in improving the safety of all buildings, including low-rise and mid-rise buildings? After all, I think it was Gary who said that there is an issue in that most incidents or accidents happen in low-rise buildings; there is the possibility that the BSR has been giving too much priority to high-rise. Is that true? How should it be addressed? Basically, is the BSR making any progress in improving the safety of all buildings?

Ben Oram: My view is yes, it is. Through a combination of the amendments to the Building Regulations and the BSR's implementation of those regulations, industry-wide improvement is coming through but, like many things in the construction industry, it will take a very long time. Our project timelines are measured in 10 years, potentially, from inception to completion and we been on this track for only about two years now.

We are seeing improvements, particularly around competence, awareness, processes, certifications and standards. All these things are improving, not necessarily directly because of the BSR but often because of the fundamental legislation. However, I think the BSR has a fundamental role in implementing this and creating this industry-wide improvement.

Steve Evans: It is too early to tell in terms of overall safety. The regulator has been in place only since 2022, as a shadow organisation taking this on. It has concentrated only on HRBs but, as we mentioned earlier and was mentioned on the earlier panel, it has a wider remit to look after our existing buildings and those that are occupied or existing HRBs, but also for the regulation of the building control industry.

We have been through that registration as a registered building control approver and have put 400 of our staff through the registered building inspector regime. We have about 10% of the register of RBIs within the NHBC, and the BSR has completed its first inspection of us as an RBCA (registered building control approver). Our already competent staff have had to demonstrate to the regulator that they are competent to do their job. From the way that our staff have reacted, in taking on board their responsibilities as registered building inspectors and as a regulated profession, we are seeing a move in the right direction.

The Chair: Gary, I think you made your views clear on this one.

Gary Strong: Yes, but I want to add that the BSR is obviously implementing and operationalising the system that has come about. Probably the biggest change is the mandatory assessment of competence of building inspectors. It looks after RBIs and RBCAs—the registered building control approvers—at a local level. We see letters from the BSR to local authority chief executives, which say, "Can you please give us the data from your local authority on the types of buildings that you are inspecting?" and so on. That kind of audit process is still taking time to bed in, but we see it starting to filter out to the local authorities and other RBIs. I think that that is a good thing, but it will take time to bed in. Obviously, the BSR has been very focused on HRBs.

Q62 **Viscount Chandos:** I have a very quick question and I hope for quick answers, as this session is now officially of Wagnerian length. Construction products are separately regulated now; how does that work? The Government flagged in their announcement last week the intention to move towards a single regulator. How might that therefore change the way that construction and construction products are regulated?

Ben Oram: As designers, construction products are what we specify. The single regulator will be a significant improvement, in my view, because robust and clear regulation is needed. Manufacturers need to know what information must be provided and designers need that information to design safely. Having that under a single regulator, where both the products are regulated and the standards which those products must meet, is the right thing to do, because you would have a holistic approach. Right now, having them fragmented and separated is dangerous, so this is a significant improvement.

The Chair: Is there agreement?

Steve Evans: Yes, we are supportive of a single regulator. We are supportive of greater scrutiny of construction products, so bringing those all together. As Ben said, it is quite fragmented. We have responded in full to the proposals in the Government's Green Paper on improving product safety, and we are supportive of a great number of those.

Gary Strong: I fully agree.

Ben Oram: For us, the single most important thing in the construction products Green Paper is the mandatory safety assessment requirement for products. Manufacturers will have to evaluate how their products are being used and will be used, and take a view on where they can be used safely. That is absolutely fundamental and, right now, it is a "maybe" in the Green Paper; it is not a "will do".

The Chair: Thank you very much. We have covered an awful lot in that time, but it has been a very useful session.