



Communities and Local Government Committee

Oral evidence: [Building regulations](#), HC 544.
Wednesday, 9 July 2014

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Written evidence from witnesses:

[Department for Communities and Local Government](#)

[Department for Communities and Local Government \(further\)](#)

Watch the meeting

Members present: Mr Clive Betts (Chair); Bob Blackman; Simon Danczuk; Mrs Mary Glendon; David Heyes; Alec Shelbrooke; and Chris Williamson.
In the absence of the Chair, Bob Blackman was called to the Chair

Questions 228-315

Witness: **Stephen Williams MP**, Parliamentary Under Secretary of State, Department for Communities and Local Government, gave evidence.

Q228 Chair: Welcome, Minister, to this follow-up session in our inquiry into building regulations, certification of electrical installation and repairs in dwellings. Apologies for keeping you waiting for a short time. That was due to the fact we had a vote, which put the Committee's agenda slightly back in time. We have already put our interests on the record for the last session we had, our previous inquiry, but there is just one additional one, I think, Bob, you have to make.

Bob Blackman: Yes, my nephew is undergoing a four-year programme of training as an electrician.

Alec Shelbrooke: I do not know if it is relevant or not, Chair, but my wife's parents have a property company.

Chair: Okay, right. It is best to get it all on the record, then we all know where we stand on these issues. That is absolutely right.

Mrs Glendon: I have a family member who is an electrician and manager at some firm that I don't know the name of.

Q229 Chair: Thank you for putting that on the record as well, Mary. Minister, sometimes when we get replies to our reports the Government do not agree with them completely, but there is an element of agreement from Government to what recommendations we make. It is difficult to find any element of agreement in what you have had to say to us. Is that because you personally disagree with everything we have said or your officials give you the advice that that is what you should be saying?

Stephen Williams: I am sure, Chairman, you will recognise that Ministers take decisions, but good decisions are based on sound advice. That has certainly been my practice while I have been in this post since October last year, because quite a lot of what I deal with on behalf of the Department is technical, if you look at the whole suite of building regulations, and I daresay in your time as Committee Chair you have had a look at quite a lot of them. I am not a builder; I am not a plumber; I am not an electrician; I am not a gas fitter and so on, if you want to go through all the parts of the building regulations, so I follow the advice that I am given. That advice comes from people who are very experienced in those fields; indeed, have often worked in those fields either professionally or have been involved in building control in local government. I cannot see the officials behind me, so I hope they are not going red in the face at all this praise.

Civil servants move about quite a lot, I have discovered, as well. We read about reshuffles; who knows what is coming my way? What has been interesting to discover while I have been in this post is that civil servants move around quite a lot, but the people in building control in DCLG have been quite stable for quite some time. They have gone through quite a few Ministers at this level and Secretaries of State in the past. It is good advice and it would take a brave, indeed courageous, Minister to set that aside.

Q230 Chair: Would you, therefore, have any concerns if you were to find out that your officials are going around the scheme operators at present and telling them all not to worry; the status quo is going to be retained, because the Committee recommendations really are not going to be taken into account or taken very seriously?

Stephen Williams: I would certainly not say myself ever that Committee recommendations, whether those of this Committee or other Select Committees, should not be taken with the utmost seriousness. As you know, before I was a Minister, I served on three Select Committees: Education, Public Accounts and Political and

Constitutional Reform, so I take the work that Select Committees do very seriously and I think it is an important part of the parliamentary process. However, it is scrutiny and probing; it is not regulation-making or law-making. That is now this side of the table as opposed to that side of the table.

Q231 Chair: I would just say to the Minister that I have to apologise; I may have to leave the chair towards the end of the session for the simple reason I have to go to the Local Government Association conference. I am speaking at nine o'clock in the morning, so I am going to have to catch a train at some point.

Stephen Williams: As I said to your Clerk earlier, I also have a speaking engagement in Portcullis House just after quarter past 6, if that can be borne in mind as well.

Chair: Oh right, well, let us see if we can make progress. I am sure if you agree with us it would be a lot quicker, but anyway.

Q232 Chris Williamson: I will try to be brief. Like the Chair, I must say I was surprised by the response. I do not know how many of your officials have worked in the industry. I did work in the construction industry, albeit not as an electrician; it was as a bricklayer. Having said that, I worked alongside electricians and I must say I was somewhat surprised. I think my incredulity is borne out by the Skills Alliance for Electricians, who have just published guidance, which you might be familiar with, outlining the skills and competencies needed to undertake electrical installation work, which shows that re-checking is needed significantly more where non-competent persons carry out electrical work. Do you accept that more checking is needed if work is undertaken by inexperienced operatives?

Stephen Williams: For every member of a competent person scheme, whether it is a company, company directors or a firm—of course, the vast majority of people in this area are firms that may only be one person or a small number of people—it is the duty of the person who runs that business to make sure that they deploy the people who have the requisite skills in order to do the work. If they are deploying someone who has less experience, perhaps few or no formal qualifications in that area, to do work, it should be work that is a match for their skills level. If they have little experience in that industry as opposed to qualification, then you would expect it to be checked, and of course that is where supervisors come into the process.

Q233 Chris Williamson: Moving on then, do you think it is acceptable for an entire job, say, to be carried out by unqualified

operatives and then signed off by someone who might not have even been to the site? Do you think that is acceptable?

Stephen Williams: No, it would not be and, of course, in a particular legal case it was found that it was not acceptable for a supervisor to sign off to certify that work had been checked when it had not been. That would be a breach of health and safety regulations, I think.

Q234 Chris Williamson: Are you satisfied under the present arrangements that that will not happen?

Stephen Williams: I do not think anyone can sit here and give you an undertaking that bad practice will not happen. My job—any Minister's job—is to make sure that we have sufficiently robust regulations in place that set out clearly for the industry what is expected of people who are working in particular areas. If there is non-compliance, then the various agencies come into play in order to check that compliance, whether they are building control or anybody else and, if there are complaints, for those complaints to be followed up. If the level of non-compliance is of such an extent that it is a danger to the public, then obviously other parts of the law come into play, some of which are in this area and some of which, depending on what happened to the person who had complained, may be more serious.

Q235 Chris Williamson: A lot of commentators would probably argue, though, that the present arrangements do not provide a sufficient level of protection for the public, but obviously you seem to take a different view.

Stephen Williams: If there was a general assertion that the scheme rules that are in place do not afford protection to our constituents, we would all be having examples in our surgeries and our inboxes of people saying, "There is a terrible unravelling scandal taking place here and you should be on top of it."

Chris Williamson: That might still happen.

Stephen Williams: I have not detected that individually but, more to the point, just in case Bristol West is peculiar, I have not been advised that that is the case around the country.

Q236 Chris Williamson: That potentially might still happen; time will tell. One would hope it will not do but, for me, having someone without qualification undertaking the work, notwithstanding the fact that it is checked,—

Stephen Williams: That is the case in most industries. We covered this ground last time, that in most trades and professions there is a

gradation of staff and qualifications and not everyone will have the top level of qualifications.

Q237 Chris Williamson: I think we know that. What level of qualification would you expect someone to have doing work in your own house?

Stephen Williams: It depends what that work was.

Q238 Chris Williamson: Electrical work.

Stephen Williams: Again, it depends, doesn't it? As the scheme rules say, for the competent person scheme it depends whether the work is notifiable, and that is based on the level of risk to the householder.

Q239 Chris Williamson: Would you expect the electrician to be qualified, though? Would you be happy that someone with no experience at all is coming to do work in your house? Would you personally be happy with that?

Stephen Williams: As a person, I have already said I am not an electrician, a plumber or whatever. I am a history graduate, a professional tax consultant and a Member of Parliament. Those are my qualities and attributes and the letters after my name I bring to the table; I do not know what yours are. Therefore, if I was to have some electrical work done in my house, yes, I would want to satisfy myself that I was engaging someone who was more competent than me. If I felt it was a sufficiently risky area, for instance doing a shower in the bathroom or something like that, where common sense tells you that might be a problem, but so do the regulations, I would want to make sure that I had a competent person to do it.

However, it has now been made a lot easier, of course, Chairman, because you spoke at the same event as me last week, I think it was, in the Jubilee Room when at last the different competent bodies have come together, all seven of them, to have this common website where you can find a competent electrical person. Remember, we opened up this way last time. I said I had Googled "electrical competent person Bristol" to see what I would find and it was a bit of a problem. I have done the same this time and it is now much easier. You go straight to the competent person website that NAPIT, Certsure and the other five people have put together, so it is a lot easier for our constituents now.

Q240 Chris Williamson: Yes, it is a lot easier, but I am sure you would accept that a lot of constituents do not have access to the internet and a lot of old people, people from my generation maybe, might find it a

bit of a struggle to cope with using the internet. That said, we hear what you say.

Stephen Williams: That is a reasonable point; I think we should reflect on that. Maybe this is something we should ask these people to think about again, if people are looking at the *Yellow Pages* or a traditional paper-based system, just to see whether that could be made easier. That is a reasonable point. We can agree.

Q241 Chris Williamson: Well, some ground given there then. Finally, what would it take to convince you to introduce a requirement for electricians to prove their competence, such as an ECS card? Would it take anything or are you just totally satisfied with the present arrangements?

Stephen Williams: If you are engaging someone to do work on your house—come back to where you started—and you have satisfied yourself, first of all, that you need a competent person in order to do it, you will look at the register that is now much easier to search and will engage C Williamson and Sons in order to do that. I do not know how the person then proves that they are C Williamson and Sons when they turn up at your doorstep.

Q242 Chris Williamson: They could have an ECS card, for example.

Stephen Williams: Again, that comes back to common sense, doesn't it? If you are admitting someone into your house, whatever your personal background, this is common sense advice that everyone gets to always check the bona fides of someone coming over your threshold.

Q243 Chair: I have a very brief follow up, because otherwise we are going to be constrained on time. If there is notifiable work carried out by a completely unqualified person, which they can do at present, and then it has to be signed off, certified by a qualified supervisor under the competent person scheme, how do they check the work done is appropriate if that wiring is buried under plaster?

Stephen Williams: This is where you are straying into areas where it is quite difficult for me to answer that precisely.

Q244 Chair: It is a fairly pertinent question, isn't it?

Stephen Williams: Yes, I know it is, but that is a level of detail that I do not think I should be expected necessarily to know. What it is reasonable for me to say is that a competent person who is the supervisor of C Williamson and Sons should know that, if they have to sign off that that work has been done to the correct standard, then

obviously they have to be able to see it. That is something they need to satisfy themselves of and, if it is a totally complete job and everything is obscured, obviously that is going to be harder for them, but that is a common sense answer rather than a technical answer.

Q245 Alec Shelbrooke: Just on that particular point, you said about the common-sense answer, but there may need to be some prescription on that, because in a previous life I was a kitchen and bathroom fitter and I saw some horror stories. You are fitting in a kitchen, which is a high amperage system with the main system fitted in with lighting cable. That is buried in the walls. It is only when I went in to do the kitchen that you take the sockets off the wall and you find it has the wrong cable. How does this system cope with situations like that?

Stephen Williams: The people who are competent persons should satisfy themselves about what the building regulations are. The approved documents set out how work should be done, what element of that work is notifiable and it is up to their professional standards to make sure that they are able to do it according to the diagrams and everything else that are set out.

Chair: That moves us onto Simon's question.

Q246 Simon Danczuk: Thank you, Chairman. Minister, when electrical work is certified as compliant with Part P but is found subsequently not to be, who is responsible?

Stephen Williams: I am not a lawyer either, but legal liability clearly, if it is C Williamson and Sons, would lie with Mr C Williamson, because it is his firm. If it was with C Betts Limited, it would lie with the directors of C Betts Limited and not the shareholders.

Q247 Simon Danczuk: The people who did the work, is that what you are saying?

Stephen Williams: The people who did the work may be caught by other laws, but the starting point in terms of liability would always be the person whom you engaged to do the work. That could be a firm, it could be a partnership, it could be a company and obviously that is a matter of law.

Q248 Simon Danczuk: It could be a social enterprise, yes, we can go through all the definitions, but let me give you two examples then. One example is a block of flats renovated at Muirhead Avenue in Liverpool, with rewiring done as part of the major renovation of

22 properties. They were then sold and bought in good faith. The rewiring was found to be absolutely terrible, not up to a decent standard at all. It appears that these NICEIC certificates were given out completely inappropriately. The council did not check the quality of the work and yet they received the certificates. Who is responsible for putting that right and the cost involved? Is it the council?

Stephen Williams: I am not aware of that case. I am aware of some, but I have not heard of that one.

Q249 Simon Danczuk: No, but it is a good example.

Stephen Williams: Just in case it has gone to the legal process, I am loth to comment on the specifics but I will come back to the generalities. I would have thought the person who is liable is the firm, company or individual who did the work.

Q250 Simon Danczuk: Even though the council did not check it? What about the competent person scheme, the people who issue the certificates; are they not responsible?

Stephen Williams: The person who certifies the work is done is the qualified supervisor and, if the work is notifiable, obviously that notification is held by the householder. I guess you are saying in this case it is the landlord.

Q251 Simon Danczuk: No, you are saying that it is the people who bought the properties in good faith.

Stephen Williams: This is one of the checks that your conveyancing lawyer, I guess, goes through. Again, this is straying outside my responsibility, but to check that, if work has been done, that is notifiable and the relevant paperwork is in place is probably all a lawyer would check rather than check whether the work was done properly.

Q252 Simon Danczuk: What you are illustrating is that the system is not easy to follow. Let me give you another example. Do the tragic death of Emma Shaw in 2007 by electrocution from work certified for the purpose of Part P and the seven years it took to get a conviction not expose the inadequacy of the competent person scheme, Minister?

Stephen Williams: That is a case I do know a little about and it has obviously gone through the process, so I can answer that one. It was an investigation done by the Health and Safety Executive and the qualified supervisor in that particular circumstance was found guilty of a charge of failure to discharge a duty under the Health and Safety at Work etc. Act. He was fined £1,000, but, because it was the Health

and Safety at Work etc. Act avenue that was followed, that was the maximum fine that was available at that particular point.

Simon Danczuk: Tragic, absolutely tragic.

Stephen Williams: The case is absolutely tragic and, in the legal process that was followed, I am sure we would all agree that £1,000 is not the right amount.

Q253 Simon Danczuk: The coroner said that the testing inspector should be personally liable, but that is not the Government's view, is it?

Stephen Williams: I think I would have to get back to you on that.

Q254 Simon Danczuk: Let me finish then, Minister, by saying: do you not agree that what has been designed here is effectively a buck passer's charter, because nobody is responsible?

Stephen Williams: No, I do not agree with that at all. The schemes make it very clear that, if work is of a notifiable nature, i.e. the riskiness is such that it is notifiable work, it is not basic work and it is not work that someone following a manual might want to do themselves—although they have to satisfy themselves that they are competent to do that and it is not of a sufficiently risky nature—if it is of a risky nature, then it is notifiable work and there are rules that need to be followed. It is not—I have forgotten how you described it.

Simon Danczuk: A buck passer's charter.

Stephen Williams: It is not a buck passer's charter at all. The rules are clear. Our duty, both as legislators and scrutineers of legislation, is to make sure that we enable our constituents to find their way through this. These are technical areas. We do not expect each other to understand the intricacies of how these schemes work unless we have worked in them ourselves. What we should expect of each other is that we enable our constituents to find a way of making sure that, when someone does risky work on their property, whether it is in electrics or gas or wherever it is, they are engaging a person with the right skills to do so.

Q255 Simon Danczuk: Minister, if we cannot explain the system here among ourselves, what hope is there for the public to be able to understand it?

Stephen Williams: We covered awareness last time and we did agree on that point, that consumer awareness was possibly the most important issue that we needed to deal with. We now are in a position where seven major retailers are going to be working together to raise

awareness amongst their own customers. I have with me the leaflets that are now available in Wickes and B&Q that do explain how the schemes work, when you should engage a competent person and when you do not necessarily need to. Obviously, they will now need updating for the new website that was launched last week and is now live. I repeated my Google search while I was sat outside for electricalcompetentperson.co.uk, which will now appear in the Hansard record of this meeting and, if we all do that, it will now take you straight through to that particular site with the logo and a picture of a light switch, so it works quite well.

Chair: Let us move on.

Q256 Bob Blackman: Could I ask one quick supplementary? Given that we have the circumstances where electrical work—and I happen to have a degree in physics—is by definition risky to a certain extent, given that houses change hands on a regular basis and you can have landlords, you can have tenants, all sorts of things go on, what we want to do is to make sure that whoever is living there, be they tenant or owner, is safe as a result of the work that has been done. Would it not be better to ensure that the person who turns up on the doorstep is fully qualified in the first place, rather than have this position? Someone, who could be an apprentice who has done five days work, turns up, does some work and then a supervisor comes along and says, “Yes, that is okay. We will sign that off. That is fine, no problem at all”, certificates are issued and everyone thinks that is okay, but it may not be. The risk is it may not be and it could be uncovered many years later, either through a terrible accident or through some other problem, and then it is the person who owns the house at that point who is responsible. Surely we should change that to make sure that the person who does the work is properly competent, properly qualified to do it. Do you not accept that?

Stephen Williams: I agree with the dictionary sense of properly competent, properly qualified, but that does not necessarily mean that every person working in the electrical fittings industry should be qualified to Level 3, which is the qualification that is expected of a qualified supervisor, Level 3 being an Advanced Apprenticeship or A-level standard, if you want to put it that way. You have to learn while working, so on day one of someone being in work they clearly have limited experience and no qualifications. After three years or four years, as one of you was just saying about a family member, then you will be qualified and have the certificate to prove it. However, there are gradations in between and it is up to the owner of the business, whether it is a limited company or a firm, to make sure that they are deploying staff with the requisite skills depending on the risk assessment of the job.

Q257 David Heyes: Clearly, it is essential that we have properly competent persons doing the work, but there are question marks, aren't there, about the competence and qualifications of qualified supervisors? Is it still the case that you are not able to tell us how many of the qualified supervisors have the qualifications they would need as new entrants?

Stephen Williams: My understanding—and if this is an incorrect understanding obviously I will write to you—is that a qualified supervisor under the seven schemes that are in place at the moment has to have that Level 3 qualification, which is, as I say, an Advanced Apprenticeship equivalent. A Level 3 qualification comes with a certificate, comes with an approving body.

Q258 David Heyes: Previously, you told us that you could not confirm that.

Stephen Williams: Are you asking me for the number of supervisors?

Q259 David Heyes: Yes, and you said at the time that you had asked the scheme providers and they were unable to provide you with that information. Have you asked them again? Do you know what the latest situation is? Has it improved?

Stephen Williams: I do not recall reading the number of supervisors. That does not mean we do not know the number. I think, Mr Chairman, it is probably best that I write to you as soon as possible if we know that number. I am sure the schemes themselves will know the number of supervisors within their individual schemes. Whether that data is reported to us, I do not know.

Q260 David Heyes: You wrote to us after the last Committee and said that the scheme providers were unable to provide you with that information. That is what you told us when you wrote to us after your last appearance before the Committee earlier this year. Has any follow up work been done on that? Is it still the case? Are you going to write to us again?

Stephen Williams: One important piece of follow up that certainly has been done on that—and the number of supervisors obviously comes to the heart of the matter—is how we can be sure there are enough qualified supervisors in order to do the requisite certification for work that is being done by people who do not have that Level 3 qualification; they may have a Level 2 qualification, which is a perfectly good qualification in its own right, as opposed to entry-level skills. That was a concern that was brought up last time

David Heyes: It was.

Stephen Williams: That is why the number is relevant, and we are engaging the Building Regulations Advisory Committee to do a piece of work for us looking at this ratio issue. At the moment, there is no set ratio, so you could have Williamson and Sons with Mr Williamson as the competent person, his son as the less competent person, if I can put it that way. It is quite easy to see that you could easily sign off all of his work. Betts Limited may have 25 electricians going out doing work around Sheffield. It would be a matter for you, as the director of that firm, to decide how many qualified supervisors you would need to assure yourself that your company was doing the work correctly.

There is no set ratio at the moment. That is why we are engaging people to have a look at this for us and they are coming back to us by the end of this year. I suggest that we have another conversation at that point to see whether there should be set ratios for the number of supervisors and the number of people who do not have that Level 3 qualification. I hope that at least satisfies you that we are definitely taking note of what was said before, even if I do not know the absolute numbers.

Q261 David Heyes: I hope things go that way, but a cynical person would think that it suited the DCLG for nobody to know just how bad this situation is, how few people have qualifications.

Stephen Williams: I am a firm believer in transparency, Mr Heyes. I do not think it suits DCLG not to say how many qualified supervisors there are. These are schemes operated by industry. It is up to them to make sure that there are enough qualified supervisors in place. What we are doing, based on the concerns that you have put to us, is asking for a piece of work to see whether there should be a ratio, because currently there is not.

Q262 David Heyes: It sounds like, "Leave the industry to get on with it and let us just hope; let us keep our fingers crossed that they get it right." That is clearly what you are saying, isn't it?

Stephen Williams: We are not leaving the industry to get on with it at all. That is why we have this independent review underway and, as I say, it is our intention that they come back to us before Christmas this year. If we need to, we will have new arrangements put in place by February.

Q263 David Heyes: Just one last point before I pass it on. Did I understand you to give the Committee a firm undertaking to find out how

many qualified supervisors have the Level 3 qualifications and that you will come back to us on that and, if so, by when?

Stephen Williams: What I am telling you, Mr Heyes, is that we have commissioned this review and—I think this is a common sense point—it would be somewhat surprising if, during the course of that review, the people doing the review for us did not ask each of the competent scheme bodies how many qualified supervisors they currently have on their books.

Q264 David Heyes: Therefore, at some point in the future you will be able to tell us.

Stephen Williams: That data, I am sure, will emerge as part of that process.

Q265 David Heyes: By when? It is important that this is done with haste.

Stephen Williams: Yes. Well, I am saying our endpoint is February 2015 to see whether we need to have something different in place and the review will report back to us, we hope, before Christmas recess.

Q266 Alec Shelbrooke: Minister, the scheme started on 6 April and, answering the question, you said saying you were expecting to be able to report back at a later date on how that scheme is functioning. How is it going, since you implemented it on 6 April?

Stephen Williams: How is what going?

Alec Shelbrooke: Third-party certification.

Stephen Williams: That is different from qualified supervisors, so you have moved on to something different. The third-party certification has not yet started. I have signed off the statutory instrument. We have approved two schemes, which I can tell you are from NAPIT and an organisation called Stroma. There is some paperwork still being finalised and we hope they will be operational soon. That is to deal with electricians who are not qualified to Level 3 and therefore cannot be a supervisor in their own right, but are carrying out work of a notifiable nature, so obviously the householder should make sure that somebody does come in and check it, which could be local authority building control. That involves a reasonable level of fees, so this is an attempt to make this easier and more affordable, perhaps, for householders.

Q267 Alec Shelbrooke: It does raise the question then, Minister, about what you said about the householder getting in contact, say, with the local authority to come and check it. When do you think a member of the public would recognise that the work being done is electrical work?

Stephen Williams: I think they would know it was electrical work. The question is whether they would satisfy themselves that it was of such a risky nature that it was notifiable to the local authority as work being done on your property that a successor owner or landlord would need to know about.

Q268 Alec Shelbrooke: What I am getting to, if I go back to my kitchen and bathroom days, is there is quite a lot of electrical work when changing a kitchen, but, to the householder and how they look at it, ostensibly they may see no difference at all. Therefore, does the member of the public recognise at that point that electrical work has taken place and notify someone in or do they just assume that “I have a new kitchen”?

Stephen Williams: If you are having an entirely new kitchen put into your house—this is common sense—you would need to satisfy yourself whether the installer of the kitchen was doing something significant to the electrics of your property. If they were just plugging a washing machine in a different place from where it was plugged in before, but the plug socket already exists, to me that would suggest that is not terribly risky. If they had to do something in your fuse box or consumer unit, as I am told I am supposed to call it, then you know something a bit more significant is going on.

Q269 Alec Shelbrooke: That is a really interesting answer to that, because I would say to you, Minister, that, apart from switching the trip switch on and off for when you are doing electrical work, you do not touch the consumer panel whilst you are putting in a new kitchen

Stephen Williams: However, if you were putting in a new circuit you would.

Q270 Alec Shelbrooke: If you were putting in new circuits. However, back in the time, there can be plenty of situations where you literally are almost putting in like for like, but you have still unwired plugs and put plugs back together and sockets and you may have moved positions. I have taken out kitchens where I have found live wires dangling next to copper pipes from previous installations. Nobody would have a clue about that, so where does the member of the public have a view that they need to get the electrical work checked?

It is like this iPad, okay? I use this iPad all the time. If it stops working, I do not have a clue what I am doing with it. I am just a user of

it. I do not understand how it works. I am not interested how it works. I am just a user of it. If a member of the public has a new kitchen fitted, does the oven work, does the fridge work, does the washing machine work, does the water come out of the tap? They are not particularly bothered about the electrical work. Therefore, my question on that point is: how are they going to recognise that they need third-party certification?

Stephen Williams: Well, you have engaged someone to do that work for you, haven't you? You have already decided in your thought processes, "I cannot do this; I have no time; I would rather someone else did it; I do not like getting my hands dirty." Whatever the reason is, you have decided not to do it yourself. That is the first decision you have made. You then go out and engage someone else to do it. There is a reasonable expectation at that point that the someone else you engage to do something that is quite important in your house, your kitchen, is someone who is, in inverted commas, not a "cowboy".

Q271 Alec Shelbrooke: I purely put these points to you because I think it is something that the Department could look at further. There is a disconnect between what the public are going to recognise as electrical work and what is electrical work. Most people would look at a kitchen and think it was woodwork more than anything else, because that is where we are.

Moving onto the certification, do you expect all of those who run the competent person schemes to provide third-party certification?

Stephen Williams: Two of them have said that they will. There will not be anything to stop the others from coming forward to say that they want authorisation.

Q272 Alec Shelbrooke: What happens if work certified by a third party turns out not to comply with Part P? Who is responsible for enforcing that compliance?

Stephen Williams: There is a danger that is a legal question, but I will try to answer it again from a common sense perspective. If someone has certified something to be so and it was not so and they knew it was not so, liability clearly starts there. Whether it ends there is a matter for lawyers and the court.

Q273 Alec Shelbrooke: Just now going back to my kitchen example and those things, is a site visit required?

Stephen Williams: Give me an example.

Q274 Alec Shelbrooke: You are going to sign off the electrical work on the competent person, third-party certification. Does someone need to go out and PAT test it or see how it was installed or go to the site or just be reassured? Is a site visit required in this?

Stephen Williams: Again, I would say that is a matter for the owner of the firm or business to decide. If they are deploying someone to do the kitchen installation, moving the cooker, whatever it is, who has worked in their company for five years, has never had a problem and is a very experienced employee, then they will take a view as to how much checking is needed. If it is someone who is in the early stages of their career and perhaps has no qualifications at all, not even entry-level qualifications, then you would have thought that the owner of that business would make sure that a qualified supervisor, if they have one, or a third-party certification person, if that is the way they choose to go, goes out and checks it.

Q275 Chair: Minister, I am afraid I am going to have to leave after this question; Bob Blackman will take over for the last tidy-up, but we will get you away fairly shortly.

We were both present at an event, as you rightly say. It was the Home Safety APPG with the launch of this common mark that all the scheme operators have agreed upon.

Stephen Williams: It is a major step forward.

Q276 Chair: It is a step forward and it will help to raise public awareness. I think we both agree on that, don't we?

Stephen Williams: Yes.

Q277 Chair: Is there not a concern, though, that the public becoming more aware of something is only useful if they can then understand what they are aware of?

Stephen Williams: Yes, but to use another analogy, if all of you are worried about your tax affairs, that is the starting point. You would then come to someone like me, in my old occupation, and say, "Can you check my tax return?" or, "Can you even be paid to do my tax return?" That is the starting point, isn't it? Some are more discerning than others, obviously, but every constituent has that basic duty to themselves, if they are entering into any form of transaction, to satisfy themselves that the person with whom they are entering into that transaction is safe, reliable and competent to do the job.

Q278 Chair: Do you think there can be a potential danger that public awareness then gives the impression to the public, as it might reasonably do, that they employ a firm that has this mark approved by industry and has ministerial approval as well, at least at a distance?

Stephen Williams: Let me be clear about that: it does not come with Government approval.

Q279 Chair: Ministers say, "This is a good thing", so the public think, "This is a good thing according to the Minister. This is the industry mark" and they assume, once they are aware of this, that it means the person turning up to do their work is competent and qualified to do it. Is there not a danger that that is what people will believe when they become aware of this?

Stephen Williams: If they have used the new combined register, the search facility that is now in place to find a competent person to do the work that they have already satisfied themselves needs a competent person, then, when they alight upon the relevant competent person in their area and make all the other decisions about price, convenience and whatever, surely at that point they would reasonably assume, yes, that the person who turns up is either competent themselves within the rules of the scheme or will be supervised by someone who is competent who has that Level 3 qualification.

Q280 Chair: Not that someone who turns up will be completely unqualified.

Stephen Williams: It depends on the risk assessment of the job, doesn't it? The householder has a role to play there. If someone turned up to install an electric shower in your bathroom, you would probably want to make pretty damn sure that that person knew what they were doing. If someone came to your house to put a new electrical point on an existing circuit, while it is something you would not feel comfortable doing, you would know it was nowhere near water, so you had a different risk assessment in your own head.

Q281 Chair: Wait a minute. If you are an ordinary householder and you employ someone from a firm that has this mark, do you not simply assume, reasonably, as an ordinary person, that the person who turns up to do your shower is capable and qualified to do it and it is going to be a safe job?

Stephen Williams: Or it will be checked by someone who is.

Q282 Chair: It does not have to be checked, does it? A certificate has to be signed by somebody. That is the only reassurance you can give.

Stephen Williams: I think you are perhaps underestimating the ability of our constituents to think through for themselves, whatever they wish to do—

Q283 Chair: I am concerned they may come to conclusions that are reasonable for them to come to but are not the right ones.

Q284 Alec Shelbrooke: Chair, can I just add on that point that, if you had a new bathroom fitted like for like and there was an electrical shower and you have seen this mark, why would you assume that it is not going to be safe? You are not putting it in. It comes back to the example of the iPad or whatever. It is pushing buttons. The public are not all au fait with DIY, etc. If it is like for like, how would they switch on to the fact that some serious electrical work may have taken place, as the Chair says, especially if it has a certification mark?

Stephen Williams: You do this in every walk of life, don't you? Again, sometimes, as politicians, you should use common sense.

Q285 Alec Shelbrooke: I will just say to you, Minister, I have gone to plenty of households where they were terrified of doing the plumbing but would always give the electrics a bash. Now, the fact is that that will burn the house down whereas the plumbing will give you a wet carpet, but that is the mentality. There is a different fear to different things.

Stephen Williams: Yes, on that basis there are obviously those individuals who you have come across who were perhaps not applying that much common sense themselves. Personally, I would neither try the plumbing nor the electrics, because I am aware of my limitations.

Chair: Minister, I do apologise. As I say, I have to go to the Local Government Association conference, but Bob is going to take over the Chair for the last couple of questions. Thank you very much.

Q286 Chair: Which conveniently moves us on to my question anyway. Minister, you have told us you are conducting a review of the Part P scheme and how it is operating.

Stephen Williams: Yes. We covered that last time, didn't we?

Q287 Chair: This review is going to take place and will report in February next year; is that right?

Stephen Williams: I believe what I said to you last time—I remember we got into a discussion about the merits of a fixed-term parliament—is that my predecessor gave an undertaking that it would report before the end of this parliament. On a practical basis, if this Committee is going to have a look at that, which obviously you want to do, then we need to make it on a timely basis before we all head for the hills, as it were.

Q288 Chair: There is, of course, a risk from the evidence that you have presented so far that the review will be two years after the implementation of the scheme, which would take us to April 2015. That is why I am pressing you that we are going to see this in February next year.

Stephen Williams: First of all, the review has to come to me or whoever is the Minister at that point in time, if it is not me. I am saying, as the current Minister, we will use our best endeavours to make sure that that review is done on a timely basis, which means that you should have enough time to look at it before we are all focused on our own futures.

Q289 Chair: Just to consider what the review is going to look at, can you give us an assurance that the review will consider public awareness? One of the things that our Chair was pointing out is the issue of public awareness, which is at a very low level at the moment. Obviously, we hope we will see an improvement. Will that be included in the review?

Stephen Williams: I see no reason why it should not be.

Chair: That is one thing.

Stephen Williams: We are doing a lot on public awareness.

Q290 Chair: What about concern about compliance with safety standards generally? Will that be part of the review: compliance of electricians who are suitably qualified, compliance of supervisors signing off, making sure that this is all working?

Stephen Williams: That is the purpose of the review, I suppose, to make sure that it is all working as we intend it to work.

Q291 Chair: What would be terribly helpful then is if you give us a copy of the terms of reference of the review, so we know what you are doing and then, when it arrives, can compare that.

Stephen Williams: I will go away, look at that and write to the Chair.

Q292 Chair: Okay, that is fine. One of our other concerns was the narrowing of the scope of Part P. I think you have stated in your response that there would remain a duty for non-notifiable works to comply with safety provisions. Can you tell us how frequently that duty has been complied with?

Stephen Williams: There is a difference between what is and what is not notifiable. That is the change that has been made, so work that is notifiable definitely has to be carried out by a competent person, but even work that is not notifiable, such as changes in a kitchen that do not require a new circuit, to use an example we have gone round before, should still be done in a safe way but is just not notifiable work. The risk level is not deemed to be such that a fresh certificate needs to be deposited with the building control authority.

Q293 Chair: Okay. I accept you will not necessarily be able to answer this here, but when you are writing to the Chair can you indicate whether within the scope of the review the issue of the level of compliance can be included? If it is not included in the current terms of reference, I would suggest that you—

Stephen Williams: Yes, I will certainly make the letter to Clive as comprehensive as I can, including dealing with that point.

Chair: Thank you.

Q294 Simon Danczuk: Minister, is it fair to make local authorities responsible for the frontline enforcement action against people who are in a Government-recognised scheme as competent?

Stephen Williams: Sorry, say that again.

Simon Danczuk: What I am saying is the Government have recognised this scheme as being competent. Why are you making local authorities responsible for the frontline enforcement of it?

Stephen Williams: You mean in terms of being the building control authority.

Q295 Simon Danczuk: Yes, they have to police it, don't they?

Stephen Williams: I would not describe it as policing it. They do not go out and check everything, but, particularly for new house building,

obviously they possibly check more of those than they do work on older houses. However, that is something I can clarify for you.

Q296 Simon Danczuk: They have responsibility for enforcing the rules around this. Do you accept that it will, on average, cost a local authority more to take enforcement action through the courts than the authority will recoup?

Stephen Williams: Yes, but I think many of us have been councillors in this room and that would apply to trading standards issues in general. Wearing one of my previous hats, when I was chair of the APPG on Smoking and Health we had a great interest in the ability of local authority trading standards people to crack down on the illicit tobacco trade, and Bob, as my secretary or vice-chair or whatever you were at that particular point, will know that I took a very deep interest in making sure that that was the case. It is something that is funded out of local authority resources rather than any sort of hypothecated stream of income.

Q297 Simon Danczuk: Some local authorities are avoiding enforcement, aren't they, Minister?

Stephen Williams: That would obviously not be something that any of us would sensibly condone.

Q298 Simon Danczuk: No, but you are not doing anything about it.

Stephen Williams: Mr Danczuk, either now, openly, if you wish, or if you want to write to me with a specific example, whether it is Rochdale or anywhere else that has said to you, "We are not taking enforcement action" for whatever reason, we will obviously be concerned about that and will look at it.

Q299 Simon Danczuk: It is not for me to do the Department's research.

Stephen Williams: Well, you are making a point, so if you expect me to do something about it you have to give me the evidence.

Q300 Simon Danczuk: Can you provide the evidence that local authorities are being proactive in terms of enforcement on this issue? It is a critically important issue.

Stephen Williams: That is the expectation of a building control authority.

Q301 Simon Danczuk: You cannot provide any evidence that they are being proactive in terms of enforcement.

Stephen Williams: A building control authority obviously has a duty to check building work that is notifiable in that local authority area and they will, again, do that on a risk assessment basis. If they are looking at a builder with which they have had no problems, then they might not look at every job.

Q302 Simon Danczuk: In terms of evidence, does the Department hold any evidence that suggests that local authorities are proactive in terms of enforcement?

Stephen Williams: Enforcement, as I am sure we all know from our own casebook or experience as councillors, can be as a result of complaints, so it is reactive, but you would also expect both building control officers or trading standards officers, because both might be relevant here, to do sample testing. Again, coming back to my cigarette analogy, you engage people who look as though they are under 18 and send them round shops to make sure they are not selling cigarettes to them.

Q303 Simon Danczuk: We are not talking about selling cigarettes.

Stephen Williams: It is the same principle, isn't it?

Q304 Simon Danczuk: On the basis that you have not answered the question I will move on, but I will assume that the Department has no evidence.

Stephen Williams: I have answered it.

Q305 Simon Danczuk: Let me ask the final point. Without vigorous enforcement by local authorities to drive out cowboys, how can the competent person scheme claim to cover the whole sector?

Stephen Williams: Since the competent person scheme was introduced back in 2005, the number of people who have registered on that has gone from I think 40,000 that I reported when I was with you last time to now 43,000. With the advantage of this joined up register being in place, our constituents now have 43,000 competent person electricians to choose from, which is a damn sight better position than where they were in 2004 and prior years.

Q306 Simon Danczuk: Yes, but nobody is enforcing the cowboy electricians, are they? There is no enforcement going on.

Stephen Williams: For someone to be known to be a cowboy, either a complaint would have to be made or, if local authorities are being proactive and, as I say, I would expect them to allocate their officers in that way to be proactive as well, then they may discover that worked. To use another analogy, people assume that an audit—something that I am professionally familiar with—will always detect fraud. Well, it will not, because you cannot test every single transaction that a company has done, because you need an exact mirror image of every transaction that takes place in society. Therefore, everything is done on a sample basis, based on an assessment of risk.

Simon Danczuk: Thank you, Minister.

Q307 Chair: Whilst I agree that your Department does not necessarily take the decisions on the level of fines to be imposed, and that would be a matter for other Ministers, you could, however, request other Government Departments to increase the level of fines to then make it very clear to individuals that they are responsible and there is a severe penalty to be paid. Have you considered that?

Stephen Williams: Yes. The maximum fine at the moment is £5,000. The MOJ currently has regulations, whether it is an SI taking place possibly on this corridor at the moment, to raise it to unlimited. Therefore, the MOJ are already on that case and, to deal with Mr Danczuk's point, because I can probably guess where you are going, as to whether those fines should perhaps go to local authorities, that is clearly a matter for the Ministry of Justice as well. If the Chairman was here, I would suggest to him that he asks my colleague and his fellow Select Committee Chairman, Sir Alan Beith, perhaps to raise that when he has an MOJ Minister in front of him.

Q308 Chair: It would be terribly helpful, Minister, when you respond to the other requests that you are in writing, if you clarify the point, as you say, because by then it may well be that the regulations are in place that fines are unlimited.

Stephen Williams: My information is that the MOJ currently has the regulations before Parliament. I do not have sufficient information to know where they are in the Parliamentary journey. It may be at the red end of the building.

Q309 Chair: Which is why I ask if you can put that in writing.

Stephen Williams: Yes, we will clarify that for you.

Q310 Chair: The other issue on top of that would be whether that money could be appropriate for local authorities to retain to cover their reasonable costs associated with the necessary enforcement action to make people safe.

Stephen Williams: That obviously is a policy decision to be made by the Ministry of Justice.

Q311 Chair: Of course, you could make representations.

Stephen Williams: If I can say something that might be slightly helpful for you, speaking outside my brief, for three years before I held this post I was also the Lib Dems' Treasury spokesman in Parliament, so familiar with what the Treasury gets up to. With the huge level of fines that have been put on to several banks and other people, the Chancellor made the decision that those fines or some of those fines in future should go to armed forces charities rather than directly to the Government. There is a precedent there, which is on the record so I am not revealing anything. There is a precedent there that, if you were minded to, you could have an adjournment debate or anything else to test the Government's willingness to do that on a larger scale.

Q312 Chair: At the moment, we are testing the Department's willingness.

Stephen Williams: It is not our responsibility. This is not a Whitehall musical chairs example, but it is not my responsibility or my Department's responsibility to decide the destination of income from fines.

Q313 Chair: You could make representations, though.

Stephen Williams: It is a matter for the Ministry of Justice, but of course HMT has a finger in every departmental pie.

Q314 Chair: We are suggesting that you could make representations to your colleagues in other Departments, given the requirement for safety in this.

Stephen Williams: When Mr Danczuk gives me his evidence, which I think he undertook to do, about which local authorities have told him they are not being proactive for whatever reason, we will obviously weigh that up and see whether a case needs to be made.

Q315 Chair: Given you invite that, we could ask you: how many prosecutions have there been in the last year under this legislation?

Stephen Williams: I would have to get back to you on that, because I do not know the answer off the top of my head.

Chair: I think that would be terribly helpful as well. Thank you, Minister. We do not want to keep you, because we know you have another speaking engagement. Thank you for coming along and giving evidence.