

> BC(A)R - OPINION

'BUILDING CONTROL AND THE COMMON GOOD'

BY ORLA HEGARTY

There is still much work to be done to overcome the challenges of implementing an effective Building Control system in Ireland; the details may be worked out in the coming months and although this seems technical and complex, we should not lose sight of why this is so important.

The experience of the Stardust families, recounted again on RTE Radio (20 January 2014), are a very timely wake-up call. In 1981, 48 young people died and over 200 were injured in a fire at a disco on the north side of Dublin. The Tribunal Report ⁽¹⁾ found that *"the conversion of the Stardust complex failed to comply with twelve public resort bye-laws, twelve fire protection standards and six draft building regulations"*. The aftermath of this tragedy led to the introduction, nine years later, of the Building Control Act and a robust third party inspection of fire safety design.

This month, some of the families in pyrite homes (400 of an estimated 12,000 affected) are starting court proceedings for redress, seven years after the problems in their homes were first identified. The reasons for this catastrophic material failure have been identified by the Pyrite Panel ⁽²⁾ who point out that *"even if the remediation work is successfully undertaken, an indelible mark has been left on the lives of homeowners and families - and the past few years have been a nightmare for them"*.

As Graham Usher, Priory Hall resident, has reiterated: *"It is a lesson that doesn't seem to have been learned on this. You can have the best regulations in the world, you can have the best laws, but there's no enforcement. Even under Minister Hogan's new legislation, which strikes me as a bit of a half measure, there is no onus on local authorities to carry out any inspections whatsoever. The state is still abdicating their responsibility"*.

In Priory Hall, Thornfield Square, Gleann Riada, Foxford Court, Balmayne, Kentswood Court and many other developments throughout the country families are living with the consequences of the boom. In many cases homes were built and sold quickly, with little or no oversight in an ad-hoc system that did not have safeguards to catch sub-standard practice. These families have suffered not only the impact of poor regulation and a lack of enforcement but in many cases they have no comeback.

The safety and wellbeing of all of us, as citizens, is the responsibility of architects, not in the narrow sense that we will accept liability, but in the very fundamental sense that we understand how buildings are designed, we understand how procurement operates and, most importantly, we understand what really happens on building sites and in occupied buildings. Architects know the fault-lines in existing design, procurement and construction practices. As construction professionals, we must now advocate better solutions that are effective and then stress-test them so that they are legally, contractually and practically robust. Anything less is an abrogation of our professional duties as members of an Institute whose main object is to *"undertake and encourage the general advancement of architecture for the benefit of the community."* ⁽³⁾

An effective building control system cannot function without the essential supports of latent defects insurance, a statutory register of builders and it must be underpinned by workable enforcement mechanisms. Partial solutions may formalize the existing inadequate ad-hoc systems but as noted by the World Bank ⁽⁴⁾ *"the strongest reforms will be those that promote transparency and effectively increase the accountability of construction regulators, enforcement agencies, and building practitioners"*.

Building Control is not an abstract or technical problem; its core principle is safe, accessible and sustainable buildings. It is at the heart of consumer confidence in us as professionals.

We have an opportunity now to learn from international best practice, to reassess where we are and to get this right. It may be another 20 years before building control legislation is re-visited. The Stardust families have been looking for closure for 33 years.

- NOTES

1. Report of the Independent Examination - Stardust Fire, 2008 <http://www.justice.ie/en/JELR/REPORT.doc/Files/REPORT.doc>
2. Pyrite Panel Report, 2012 <http://www.environ.ie/en/PyriteReport/FileDownload,30735,en.pdf>
3. RIAI Memorandum and Articles of Association, 2012 http://www.riai.ie/images/uploads/RIAI_MemorandumArticlesofAssociation.pdf
4. Good Practices for Construction Regulation and Enforcement Reform, 2013 <https://www.wbginvestmentclimate.org/publications/loader.cfm?csModule=security/>