

RIDDING OF THE ROGUES

Dodgy builders waste clients' time, money and emotions, leading to consumers' distrust of builders – but it doesn't have to be this way

A lot of construction clients want to spend less money but get more for it. This drives them to seek out tradespeople on the cheap, which more often than not leads to shoddy work being carried out and wasted resources.

Seán McAllister, Director of Pencil & Brick Ltd, says people have a "primal desire" not to part with their money. "All that hard-earned cash

– clients are very right to be following their intuition to save money. But this is why we're talking about a mandatory licensing scheme for the building industry: just because it's their intuition doesn't mean it's right."

A previous client of McAllister wanted to cut costs on a project. Pencil & Brick was the designer and builder, but when it came to the bathroom the client wanted a cheaper option –

despite McAllister warning them against it.

"They were wondering whether they were being taken for a ride and I'd be lying if I said no other clients thought similarly. They're thinking, 'Why am I trusting this company with all of our finances?' So the clients hired a separate contractor for tiling."

McAllister says that despite feeling a little hurt that the clients didn't trust his advice, he understood

why they had their doubts about costs as his company was doing the whole project from design to build. But the clients made a mistake.

"We soon saw the terrible workmanship," McAllister explains. "My business partner, Qatipi, fired the tilers and they weren't even working for us. He fired them on behalf of the customer because he had to get them off site as fast as possible. They were spending money and they were ruining the tiles. Every time they adhered a tile they were chucking away like £50."

McAllister called the clients to the site to show them what was going wrong. They saw the trip hazards from uneven tiles and poor workmanship and understood why these rogue tilers had to be banished from the site.

Delays inflate costs

"We had to rip up all those tiles," McAllister says. "Day by day, it dawned on the clients that we couldn't keep what was there because of damage. And then they discovered the very expensive, gorgeous pigmented tiles were out of stock."

Lead times increased, work was delayed. The project took another three weeks to complete.

"This could have been avoided," McAllister explains. "Of course, there are builders out there who are not accredited and are good at what they do. But it's not worth taking the risk hiring them when there is no code of conduct or standards to adhere to, and no recourse as a client if something does go wrong."

"The Government should step in and regulate the industry and protect the term 'builders' by driving minimum standards higher."

The FMB and TrustMark do a good job at ensuring their members uphold high standards but there is a large market of builders that are not members and, therefore, are not held accountable for poor-quality work or unethical practices.

"We have around 7,000 FMB members, which is a drop in the ocean compared with how many builders are operating in the UK," says Jeremy Gray, Head of Policy and Public Affairs at the FMB.

The benefits of licensing construction

A mandatory licensing scheme in UK construction would:

- 1 Remove incompetent and rogue traders from the industry** by enforcing a basic level of competence at entry level.
- 2 Offer greater consumer protection** by ensuring builders work to higher standards and providing recourse for poor work.
- 3 Increase construction output to boost the economy by improving confidence of homeowners and other consumers.**
- 4 Boost quality, professionalism and productivity in the industry by enabling a continued personal development scheme.**
- 5 Improve health and safety compliance** by making health and safety testing an entry criterion for a licence.
- 6 Enhance the image of the industry** by attracting new entrants to a more professional and higher quality sector.



But some in Government believe that these bodies, with their voluntary members, are sufficient to safeguard standards.

That's why the FMB has been campaigning tirelessly to bring about a national mandatory licensing scheme. It helped set up the Licence UK Construction Task Force in 2019 and has consistently engaged with Government departments such as the Department for Levelling Up, Housing and Communities in discussions about how licensing construction would lead to safer homes. It has also sought support from multiple politicians to promote the adoption of a licensing scheme.

Political support

Minister for Small Business, Enterprise and Markets Kevin Hollinrake (correct at time of printing) attended the FMB's recent parliamentary reception and wants to investigate the feasibility of the scheme. But the most vigorous governmental support so far has come from Mark Garnier, the Conservative MP for Wyre Forest, who supported a Private Members' Bill in 2021, called the Domestic Building Works (Consumer Protection) Bill, which seeks to stamp out rogue builders by advocating for a licensing scheme. Gray praises Garnier for "championing the cause" with his ongoing support for the scheme.

Mandatory licensing of the UK construction industry is a pursuit that McAllister – and more than 80% of other FMB members – believes worthy of passionate effort. His fiery rhetoric on the matter earned him a seat on the FMB London Board.

"My pitch was that I'm coming in strong on standards. I'm going to bring what I know from architect standards and codes of conduct (McAllister used to be an architect before opening his construction company), and apply that to construction."

Architects, for example, sit before a conduct committee when the quality of their work or ethics of their business dealings are called into question. "It's like a Government-sponsored court where architects can get stripped of their title and fined heavily. It's about creating incentives to abide by the rules," McAllister says.

The FMB already has similar processes for members that don't adhere to its code of conduct and professional standards. The problem is

that an expelled member – or any rogue builder – could just open up shop elsewhere and there would be nothing to stop them from doing so.

Without an accreditation body or a mandatory licensing scheme, rogue builders can work off the books. "They have nothing holding them back," McAllister says. "They can disappear and pop up again, opening up a new company. They often offer construction work for cash in hand, or have some other dodgy dealings like providing substandard materials and so on."

Not only is the country losing out on tax, but neither builder nor client have recourse should either party act unethically or illegally.

Consumers are detrimentally affected by

rogue builders, which then undermines consumer trust in the construction market.

"The home improvement and construction sector is one of the most complained about areas with consumers not only losing money to rogues but the detriment they experience can also damage their physical and mental wellbeing," says Susie Helliwell, Senior Trading Standards Officer, Regulatory Services, Community Protection at Hertfordshire County Council.

Helliwell says that results from a Government-backed survey in 2022 showed that the home and garden improvement sector accounts for 11% of consumer detriment in the UK with hundreds of pounds lost to rogues.

"They also found that nearly half of consumers never get

a remedy for the problems with work and this can be because they have no way to pursue the rogues," Helliwell explains. "Currently there is a bewildering range of approved and trusted trader schemes, many without consumer support and others where there are few checks on the business. A mandatory licensing scheme would help to increase consumer confidence and if properly enforced enable better redress when problems arise."

McAllister argues that mandatory licensing or membership to an accreditation body would lead to much better relationships between builders and clients because the former would be worried about protecting their reputation and maintaining professional standards. Plus, if anything did go wrong, there

would be formal, independent disputes and resolutions channels to solve the issue.

Gray says the sheer number of UK television shows portraying the ill effects of dodgy builders demonstrates just how pervasive the problem is. But consumers also have power to bring about change.

"At the end of the day, the consumers are going to win this battle," Gray says. "If they want licensing, they're going to be the ones that get it because politicians listen to what consumers want. So it's about raising awareness of the campaign to bring about a mandatory licensing scheme."

Examples elsewhere

Gray says there are "plenty of decent examples" around the world where construction is successfully licensed, such as in the US, Germany and Australia. "We know it helps with the professionalisation of the industry and we have had civil servants saying the UK should have brought in a licensing scheme 40 years ago. It's definitely doable, provided there is sufficient political will."

McAllister also believes this is a political decision but one in which builders need to be playing a key role by always acting with integrity. "It covers everything we do. Have integrity in the way you do your finances, complete work, deliver on promises, communicate with clients – you don't have to be perfect but you should be striving for it."

"We need builders to be professionals, not like wearing a suit and things like that, but we need them to care about integrity. That's what binds all the codes of conduct of other professions."

What the FMB is doing for licensing

- The FMB has partnered with the HomeOwners Alliance (HOA) to connect the public with quality, trustworthy local builders by advertising the FMB's Find a Builder service on the HOA website.
- In Scotland, Director Gordon Nelson met with Lothian MSP Foysol Choudhury who has pledged support of the FMB's licensing campaign, and the FMB is working with the Scottish Government's Building Standards Futures Board to improve the performance, expertise, resilience and sustainability of the Scottish building standards services, whilst exploring how a licensing scheme would operate in Scotland.
- In Wales, the FMB lobbied the Conservative Party resulting in the party committing to the matter in its *Housing a Nation* report.
- In Northern Ireland, the FMB is a member of a working group focused on building control at a key moment in time when the nation is improving current standards.
- In England, the FMB continues to work closely with Mark Ganier, Conservative MP, meeting with interested stakeholders to build upon the campaign.

What FMB members can do to support licensing

As efforts continue to realise a mandatory national licensing scheme, FMB members can help build awareness of the importance of quality workmanship. You can:

- raise the issue with local MPs and political leaders;
- speak to clients about the issue when out on jobs and explain the importance of standards and accreditation;
- brand construction sites with your company logo and FMB badge of honour to show neighbours that this is a professional project; and
- make your contact details visible for added accountability as you will be forced to field calls from potentially disgruntled people.

What the FMB has achieved so far with licensing

- The FMB has won the support of MPs across the Commons, and secured coverage of the issue in national and trade press.
- FMB members have helped provide information for research and reports to communicate the benefits of licensing.
- The FMB has hosted multiple meetings to generate industry consensus on what licensing should look like.

