



"Tony Bingham"

Renowned: Arbitrator, Adjudicator, Mediator and Barrister, as well as a writer and lecturer

Who's the most important man on a building site? Well, it depends on circumstances, but have you ever thought it might be the humble clerk of works? The chap with no powers but the one to make sure the job goes right?

Raise a glass to the clerk of works

'Where is my clerk of works?' I shout again: "Where is my clerk of works?" It's my first morning in my new job, in charge of building the Olympic buildings, and I'm still dressed in my pyjamas, unshaven, with my hair still in curls.

All my staff bow; they, too, are still in their jim-jams. There is an embarrassed, attention-seeking cough: "Well, sir," says one of my civil servants, "you will remember that you decided that you love, adore and treasure the NEC form of building contract, and you will remember that you laid down the law that it would be used on this lump of building work. Well, sir, your majesty, that document doesn't mention anyone called a 'clerk of works'."

"Shoot the author!" shouts one of my minions.

Now let me tell you about Mr Smith. You would have got to know him if you had been building schools with me in the seventies. He was the employer's clerk of works. He was oh so important. And, I tell you this, I would never, ever build without having a Mr Smith on my projects. Going further, if I were an architect, I would insist that I had a Mr Smith, clerk of works, on my projects. Mr Smith was the best bloke I have come across for avoiding disputes or, if a dispute did mature, he was the best bloke for sorting it out. No, he wasn't a mediator, we had never heard of such an animal on those seventies schools; nor was he an arbitrator, adjudicator, lawyer or anything but the clerk of works.

He was the eyes and ears of the site. He was the soft-soaper. He was the bloke who got to know the bricklayers, the carpenters, the roofers, and the putter-uppers by name.

Smithy had no powers at all, no authority, no muscle; Smithy couldn't 'make' people do anything at all, yet he was the most powerful bod on the job

Mr Smith was the man who nudged them when the work was a tad off-song. Mr Smith was the man the lads went to when the organisation, the programming, was a bit off-song. Mr Smith was the man who nudged the site chief when an area of staircase was left open and dodgy; he even made sure the odd light bulb was replaced by a festoon of lights. And yet, and yet, Mr Smith had no powers at all.

Since I began construction, I can recall that the clerk of works character has figured in JCT documents. The 1963 form said: "The employer shall be entitled to appoint a clerk of works, whose duty shall be to act solely as inspector on behalf of the employer under the directions of the architect." The clause goes on to say, "if the clerk of works says anything, expresses a view, makes an observation, it is of 'no effect' – unless confirmed in writing by the architect". Tish-tosh, no need. Old Smithy (we would never call him that to his face), only had to "have a quiet word", and it worked. And lo, the JCT2005 says the same. Go back even further, hardly any building project in the 19th century lacked its clerk of works. He was always an experienced tradesman called on simply to inspect materials and workmanship. No, the clerk of works is not a "project engineer", not a "contract administrator" – those people have powers. Smithy had no powers at all, no authority, no muscle; he couldn't "make" people do anything at all, yet he was the most powerful bod on the job.

The Institute of Clerk of Works goes back to 1882. It thrives. The current president, Meredith Whilden, became a clerk of works when he wasn't an old codger. He was a mere 25, and has been doing it for 34 years. And why I like this fellow is because he really is the construction industry. He was trained as a chippie, he became the trade foreman, he became the general foreman, and he became the site agent. That is the real end of building things. He doesn't dash around the site in a barrister's wig; he is a hard hat and wellies man. Okay, we each have our own muck and bullets to deal with, but he can save you one hell of a lot of muck and bullets.

The worst part of our history was when the government decided to save money by cutting out the clerk of works. A daft bit of penny-pinching, I say. It cut off its eyes, its ears and the person who could "have a quiet word". As for the Olympics, there are two things I need to do: get out of my jim-jams and get myself a clerk of works.

