



Department for
Communities and
Local Government

Building Control Performance Standards

January 2017
Building Control Performance Standards Advisory Group
Department for Communities and Local Government



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Introduction

Competition between local authorities and approved inspectors in the provision of building control services throughout England & Wales can provide a stimulus to greater efficiency and higher standards of service to the customer. However, these same market forces have the potential to drive down building control standards which could put at risk the health and safety of building users and compromise the energy efficiency and sustainability of the built environment. There is also a risk of inconsistent application of building control functions between building control bodies which would make it more difficult for the customer to know what level of service to expect.

It is to guard against these risks that Building Control Performance Standards were originally drawn up by a Steering Group made up of the Construction Industry Council, the Local Government Association and the Association of Consultant Approved Inspectors and the Performance Standards Working Group it set up.

Performance Standards were first introduced in July 1999 and revised and updated by the Building Control Performance Standards Advisory Group (BCPSAG) in June 2006. To take account of not only the changing nature of building control activities and innovation in building technology, practices and regulations as well as expectations of Government, customers and the building control sector, BCPSAG have carried out a further review of the Performance Standards and supporting guidance in 2013 and the results of the review can be found in this document.

BCPSAG have endeavoured to simplify the structure, including reducing the number of standards and to ensure that the guidance recognises current and anticipates future best practice in the sector whilst recognising customer expectations. In view of the changes to the Standards BCPSAG will be carrying out a review of the current performance indicators to see whether additions or changes are needed to reflect the changes that have been made.

The Standards are supported by guidance on how they might be achieved, analogous to the functional requirements of the Building Regulations and the Approved Documents which provide supporting guidance. There are different procedural frameworks applicable to building control by local authorities and approved inspectors. However, many of the tasks such as assessing plans and inspecting work are the same. The Standards and supporting guidance establish the level of performance considered as a minimum in carrying out those tasks so that a Building Control Body's duties and responsibilities under the legislation are adequately discharged.

Although the building control process in itself does not guarantee 100% compliant buildings the test of effective building control is its success in helping to achieve reasonable standards of health, safety, energy efficiency, accessibility and sustainability for building users. Building control does not remove the obligation of the person carrying out the work to achieve compliance with the Building Regulations, so the construction industry has an enormous part to play. It is difficult to measure in precise terms the success of building control in helping the industry achieve compliance. However, all Building Control Bodies should undertake some form of qualitative analysis of their

performance against a set of performance indicators as a basis for continuous improvement.

BCPSAG has now become a standing sub committee of the Building Regulations Advisory Committee for England and the Building Advisory Committee for Wales. It has new Terms of Reference which can be found at Appendix 1. BCPSAG will continue to review periodically the effectiveness of the Building Control Performance Standards and supporting guidance and make recommendations for future revisions as appropriate.

Standards and guidance for building control

NB. Please note that 'in writing' in this publication refers to paper or electronic documents.

1. Policy, performance and management systems

Standard

Every Building Control Body shall create and publish a business policy. This shall provide for a building control service to:

- support customers
- meet legal obligations in achieving compliance
- comply with respective codes of conduct set out in the guidance
- comply with the current Building Control Performance Standards for England and Wales

to enable maximum effectiveness in achieving compliance of the building work.

Building Control Bodies shall have a formal documented Quality Management System which, *inter alia*, provides for:

- collection of evidence related to its performance in terms of service delivery;
- measurement and monitoring of compliance or non-compliance of building work with the Building Regulations;
- demonstration that Standards are being addressed and form an integral part of such management system;
- annual review and analysis of performance to inform programmes for continuous improvement in service delivery and compliance with Building Regulations;
- the sharing of information and lessons learned which would be of benefit to other Building Control Bodies in recognising general areas of difficulty (or failure) in achieving compliance; and
- annual reporting in accordance with the current Building Control Performance Indicators system.

Guidance

Compliance with the Standards in this document should be an express object of the policy.

Every local authority has statutory powers to take formal enforcement action under the Building Act 1984 and the Building Control Performance Standards require them to publish a building control service and standards policy.

Approved inspectors are required, as part of their approval and registration process, to agree to abide by the Code of Conduct for Approved Inspectors issued by CICAIR Limited and are subject to the disciplinary procedures in that Code. This Code in turn requires Approved Inspectors to act fairly and impartially at all times in performing the functions for which they have been engaged and to observe the Building Control Performance Standards.

Further guidance can be found in the CICAIR Limited Code of Conduct for Approved Inspectors¹ and the LABC² Code of Conduct

The contribution made by the building control service to achieving compliance cannot be solely assessed from an examination of the completed building work. Therefore it is essential that Building Control Bodies contribute to the following activities to help demonstrate their contributions to achieving compliance with the Building Regulations:

Building Control Performance Indicators: the Performance Indicators in Appendix 2 are a recommended method of measuring aspects of performance of the Building Control Service and Building Control Bodies should respond to questions/surveys based on these indicators. They also provide key information for Building Control Bodies performance reviews and improvement programmes and actions.

Performance reviews: apart from any independent monitoring of performance, each Building Control Body should, for example as part of its quality management system, carry out an annual formal review of its performance. Records should be kept of information received and considered at each review, and of the action subsequently taken.

Sharing of information: this information is made available to demonstrate the effectiveness and their contribution to all built environment stakeholders.

Each Building Control Body should have a properly documented quality management system to ensure that the Performance Standards in this document, and any others contained within the Building Control Body's Policy, are consistently being met. Recognised quality management systems for corporate bodies include certification under ISO 9001: 2000, the Business Excellence Model of the European Foundation for Quality Management, and Total Quality Management. However, a Building Control Body may prefer to adopt an equivalent quality management system.

¹ <http://cic.org.uk/admin/resources/02cicaicodeofconduct01.01.2017.pdf>
<http://cic.org.uk/admin/resources/03cicaicodeofconductguidance01.01.2017.pdf>

² www.labc.uk.com

Whatever system is chosen, it should result in an auditing capability to allow external scrutiny to establish the extent of achievement of the performance levels in respect of the Standards in this document, and the steps needed to improve the effectiveness of the Building Control Body's service.

2. Resources

Standard

Building Control Bodies shall deploy sufficient experienced and qualified staff, with competencies appropriate to the type of building control work undertaken and shall ensure that suitable arrangements exist for Continuing Professional Development and in-service training of its technical staff.

Building Control Bodies shall allocate sufficient resources to discharge its duties, having regard to its current and future workload, complexity and location of work, and changes in Building Regulations, Approved Documents and other recognised guidance.

Guidance

Sufficient resources with the appropriate competencies should be allocated to carry out a Building Control Body's building control service and standards policy. This is to enable reasonable skill and care to be exercised in discharging a Building Control Body's legal duties, and to meet the requirements of these Performance Standards.

The level and complexity of building control work is highly variable and therefore it is not possible to specify the level of resource within this document for individual projects. However, the principles of risk assessment and experience, coupled with the responsibilities placed on Building Control Bodies by these Standards, will help the Building Control Body to determine the level of expertise and input into individual projects and the overall operation of the Building Control Body. Systems should be capable of demonstrating that this assessment and decision making has occurred.

Project acceptance: for an effective building control service to be provided, the Building Control Body should review and be able to demonstrate its capability or capacity to provide an effective level of resources to either individual or collective projects. The term resources includes not only permanently retained staff but also includes flexible staffing arrangements such as the use of suitably experienced, qualified and competent consultants. In the case of local authorities, which cannot refuse to undertake building control on a project if requested, these procedures should extend to consideration of the possible need to engage additional support, either generally or in relation to individual projects. Where a Building Control Body finds itself regularly under resourced in respect of its building control function, it should take, and be able to demonstrate that it has taken, all reasonable steps to rectify the situation. Building Control Bodies should be able to demonstrate that resourcing matches expected work in terms of volume or complexity

A review or assessment could find expression in a service plan, which could be applied either to individual or collective projects. It could take the form of a formal contract review or periodic assessment of the current and forecast workload.

Resources for existing projects: individual or collective projects should be reviewed on a continuous basis to ensure that resources are being adequately deployed and that an effective level of control is being provided.

Developing personal skills knowledge and experience should be included in a Building Control Body's business plan and its review of performance

Properly planned and recorded continuing professional/technical training and development is considered essential both to keep abreast of new technology and to instruct and refresh on legislative requirements and their practical application. Where staff are members of professional bodies, their Continuing Professional Development requirements should be adhered to. All technical staff (including temporary appointments) should maintain Continuing Professional Development records acceptable to relevant professional bodies.

3. Consultation

Standard

Building Control Bodies shall undertake all statutory consultations in a timely manner and the observations of consultees should be communicated in writing to clients. It shall also consider the benefit of undertaking additional consultation. It shall where appropriate co-operate in an integrated approach to consents relevant to development control.

Guidance

Throughout a project, the Building Control Body shall undertake all the statutory consultations, observing any prescribed time periods. The desirability of undertaking consultations beyond the scope of those required by legislation shall be borne in mind. The views of the consultees shall be taken into account by the Building Control Body and any observations or advice beyond the scope of the Building Regulations should be communicated formally in writing to the client.

In the event of significant departures from plans during construction, the Building Control Body shall, where appropriate, inform relevant statutory consultees, and shall take into account their further views. This is in addition to carrying out any statutory consultation prior to issuing any notices or certificates.

The principle of minimising the difficulties inherent in developers having to gain a series of consents is recognised, and Building Control Bodies, whether in the public or in the private sector, should support a project team approach, where appropriate.

As part of the Building Control Performance Standards, every effort should be made both to minimise any hindrance to the developer and to maximise the degree of co-ordination and co-operation which may be achieved in obtaining the necessary consents.

4. Pre-application contact and provision of advice

Standard

Building Control Bodies shall have arrangements in place for contact with those proposing or carrying out building work before a formal application is received where this is requested or would be beneficial to the functioning of the building control process.

Building Control Bodies will establish a single point of contact to deal with both procedural and technical building control enquiries on individual projects. This shall be supported by team working within the Building Control Body to ensure continuity throughout the construction project.

Early involvement as part of the project team is strongly encouraged.

Guidance

Pre-application discussion and early involvement with clients will in most cases be beneficial to both clients and Building Control Bodies, affording the opportunity to identify problems at the earliest stage and providing advice on how they might be dealt with. It will also be an opportunity to help the client follow the correct procedural requirements.

Pre-application discussion should normally establish the degree to which a one stop shop approach may be practicable. Achieving this approach will be dependent, to a large extent, on the availability (and willingness) of those involved to devote their time to it, particularly if the personnel involved are dispersed or in remote locations.

To deal with other procedural and technical enquiries it will benefit clients if there is a single point of contact. This should help prevent different personnel within a Building Control Body dealing inconsistently with clients and enquirers.

5. Assessment of plans

Standard

Where assessment of plans is undertaken, clear information shall be communicated to the client in writing regarding:

- compliance and non-compliance with the Building Regulations
- views of statutory consultees
- conditions pertaining to the approval or passing of plans
- remedies available in the event of a dispute over compliance.

Records of the plans assessment process: records shall be kept of the design assessment philosophy, and/or discretionary consultations, for future reference and continuity of control.

Guidance

The purpose of plan assessment and design appraisal is to assist the process of achieving compliance of building work with the Building Regulations. Accordingly contraventions of Building Regulations identified in drawings should be communicated in writing to the designer. A written opinion should be issued on all proposals submitted for assessment.

Where appropriate, a Building Control Body should inform the person intending to carry out work of the availability of the procedure for referring questions of compliance to the Secretary of State (for England) or the Welsh Government for determination.

A Building Control Body should alert the client to provisions of legislation other than Building Regulations which it believes may be relevant to the building work in question.

If plans are passed, or approved subject to conditions, a schedule written in clear and unambiguous terms outlining the necessary modifications and/or of the further plans or information required to demonstrate compliance should be issued to the client.

Records of the plan assessment process: to effect the monitoring of the building works and substantiate the outcome of the plans appraisal certain features should be recorded as appropriate to the work, including:

- a) relevant standards
- b) identification of any exempt buildings and work
- c) type of building work
- d) the intended use of the building

- e) the floor area, cubic capacity and number of storeys and height of the upper level of the topmost storey above ground level/fire service access level
- f) in respect of extensions, material alterations or a material change of use to an existing building, relevant data in respect of the original building
- g) structural fire resistance requirements, compartmentation (location and level of fire resistance), flame spread classification, location of the relevant boundary, fire service access, fire alarm and detection protocol, means of escape protocol, and any fire engineered solutions
- h) the accepted occupancy factor(s) and maximum occupancy of floors/zones/areas
- i) the accepted floor loading provided for by the designers
- j) hazards, contamination, sewers and services beneath/adjoining/adjacent the site
- k) any risk of flooding
- l) details of statutory consultations
- m) details of other consultation
- n) special or unusual circumstances affecting the construction/works
- o) accepted departures from guidance within the Approved Documents or recognised standards/guidance
- p) dispensations or relaxations of the Building Regulations requirements granted or refused

6. Site inspection³

Standard

Site inspection regime: Building Control Bodies shall deliver a site inspection plan matched to client and project needs.

Relevant factors should be assessed at the outset and regularly reviewed so that effective control is maintained for the duration of each project, with adequate site inspections and sufficient records, to demonstrate the application of reasonable skill and care.

Site inspection records: records of each inspection shall be maintained. Records shall identify the work inspected and any non-compliance. Where plans are not available for the work, these records will be more detailed.

Contraventions: details of non-compliant work (contraventions) should be communicated promptly and clearly to the responsible person, identifying the contravention(s) and indicating any measure(s) believed to be necessary. Any mechanisms for appealing against or disputing a decision of the Building Control Body shall be clearly made known to the responsible person.

Notification of consultees: During the inspection phase, the Building Control Body shall ensure that all statutory consultees are notified of any significant departures from plans.

Guidance

Building Control Bodies develop and maintain Inspection Plans and many provide guides for their clients. Since the changes to statutory inspection notifications under the Building Regulations, LABC have produced guidance⁴ in the form of 'Inspection Service Plans' which provides consistency in the way Local Authorities risk assess inspection requirements.

³ From 1 April 2017 Standard 6 will be replaced by the revised Standard 6 in Appendix 4 which will apply in respect of building work where an initial notice, building notice or full plans application has been given on or after 1 April 2017.

⁴ www.labc.uk.com

The DCLG document 'Risk assessment decision making tool for building control bodies'⁵ provides the basis for LABC guidance documents. Approved Inspectors have applied the Risk Assessment model for many years based primarily on the guidance in this document.

It is good practice for Local Authorities to be notified of commencement and completion of projects constructed under Initial Notice's.

Building control staff use professional skill and judgement in their selection of priorities for inspection using the above guidance tools.

The inspection regime considered necessary will be dependent on many factors including:

- type, scale and complexity of work proposed
- ground conditions
- the extent of prior assessment of plans
- how complicated or relatively straightforward the method of construction is
- whether experience indicates problems with builders/contractors interpreting and/or achieving compliance with certain requirements
- whether the builder is in need of a greater degree of inspection, requested or otherwise
- how serious the consequences of a particular contravention might be
- the impracticability or impossibility of subsequent inspection of hidden work
- speed of build, or methods of fast track construction.

Inspection frequency: the scope and frequency of inspection should be determined, and incorporated in a formal written plan. This plan should be kept under review as the project proceeds. It should take into account the inspection regime factors above.

All sites should be inspected frequently: this is unlikely to be less than 1 visit every 28 days for all live and reasonably active sites, and 3 months maximum for non-active sites to ensure that legal control is maintained.

Remote inspection techniques such as the use of photographs, video or other remote media should not be relied upon as a complete alternative method of ascertaining the compliance of work on site.

Effective follow up procedures are essential to ensure that previously noted errors have been corrected.

Tests at completion: at completion, certain tests may need to be witnessed by Building Control Bodies, in order to demonstrate compliance e.g. drainage, air tightness, flue spillage tests. The Building Control Body should consider the need for such tests at the earliest possible stage, include them in the inspection plan, and inform the client of its requirements as far in advance as possible.

⁵ www.gov.uk/government/uploads/system/uploads/attachment_data/file/8382/2076730.pdf

Site inspection records: adequate records should be maintained to show what works were inspected, the results of the inspection and any remedial action considered necessary. Records should be as specific as circumstances require but should normally include the date, time (where relevant) and location of the work.

Contraventions of Building Regulations shall be clearly and promptly communicated in writing, identifying the problem. Building Control Bodies should where appropriate discuss with clients measures which may need to be taken to achieve compliance. Decisions regarding Building Regulations compliance, especially formal notices, shall be clearly communicated to the responsible person, observing any statutory time periods.

The Building Control Body should provide the recipient(s) of the decision with details of any remedies available to them in the event of disagreement with interpretation or procedure.

In the event of a Building Regulation dispute, the Building Control Body shall observe any statutory procedures and shall furnish the client with any information regarding available avenues for resolution of the dispute.

7. Communications and records⁶

Standard

Building Control Bodies should communicate with clients, consultees and others in writing.

All records relating to the building control service provided to individual projects shall be stored in a retrievable format and wherever practicable electronically by every Building Control Body for a minimum period of 15 years. Arrangements shall be made for their transfer into safe keeping in the event of a Building Control Body ceasing trading.

Guidance

Records relating to each building control project should be retained for an appropriate length of time having due regard to the statutory time limits on legal action. This should be considered to be 15 years, but due regard of individual Building Control Body's retention policies will need to be taken into consideration. Records should if practical be stored electronically, and be available, subject to any copyright, data protection restrictions, or security considerations. These should include as a minimum:

- approved/accepted proposals and design principles
- records of any work carried out by professional consultants on behalf of the Building Control Body
- records of consultations
- records of site inspections
- client design and contractor details
- certificates and notices including Completion or Final certificates

If a Building Control Body ceases to trade it must ensure the safe transfer and on-going storage of its records for the above periods.

⁶ From 1 April 2017 Standard 7 will be replaced by the revised Standard 7 in Appendix 4 which will apply in respect of building work where an initial notice, building notice or full plans application has been given on or after 1 April 2017.

8. Business and professional ethics

Standard

Building Control Bodies and their professional consultants used in support shall observe best practice professional standards and business ethics expected of service providers. No Building Control Body shall attempt to supplant a competitor, or win work, on the basis of interpretation of the Building Regulations.

The principle of the building control function being clearly independent shall not be compromised when delivering any design and/or support services.

Guidance

Once a client has engaged a Building Control Body for a project or preliminary negotiations are in progress, the professionalism with which that project is handled will be guided by the CICAIR Limited and LABC codes of conduct.

It is also very important to the reputation of the building control profession and to the best interests of the construction industry and building users that competition between Building Control Bodies should be conducted in a transparent manner.

The Codes of Conduct referenced above set out best practice for standards of operation and should be adopted by all Building Control Bodies. In addition, Building Control Bodies should endorse and adopt as best practice relevant building Control Alliance (BCA) guidance⁷.

To ensure independence of the building control function Building Control Bodies should have no professional or financial interest in the work they supervise as this could result in a conflict of interest. Where a Building Control Body has a professional or financial interest in a building project or work it should not take on the building control function for that project/work. If a Building Control Body is already carrying out the building control function it should not take on any other design or support service for that project/work. For approved inspectors this is set out in Regulation 9 of The Building (Approved Inspectors etc.) Regulations 2010; for all Building Control Bodies it is a term in the Codes of Conduct referenced above.

⁷ www.buildingcontrolalliance.org/

9. Complaints procedure

Standard

Building Control Bodies shall publish and maintain an appropriate complaints procedure. If a person is dissatisfied with the Building Control service they receive they should be able to complain to the provider in a manner that can be independently audited.

Guidance

Building Control Bodies shall operate, maintain and make available, on request, to any interested party an appropriate complaints procedure. Building Control Bodies should make reference to both the CICAIR Limited definition of 'Complaint' and LABC Code of Conduct to assist any interested parties.

The complaints procedure shall contain a clearly defined written process for dealing effectively with written and verbal complaints and includes:

- a) time scales for acknowledging and responding to a complaint
- b) provide the name and contact details of the person dealing with the complaint
- c) the procedure adopted for investigating complaints about individuals or service delivery
- d) advice on action available if a complainant is not satisfied with the response. This should include reference to a named independent person or organisation
- e) The Building Control Body shall operate a complaints system that allows for:
 - 1) the provision for monitoring the progress of the complaint
 - 2) a record of the process for any subsequent independent audit which should be archived for not less than 5 years
 - 3) a mechanism for reviewing complaints to improve procedures and prevent re-occurrence.

Complaints made orally are no less important than those made in writing and the complaints procedure should also incorporate the action to be taken in respect of an oral complaint.

Appendix 1

Building control performance standards advisory group - terms of reference

The Building Control Performance Standards Advisory Group (BCPSAG) is a standing sub committee of the Building Regulations Advisory Committee for England and the Building Regulations Advisory Committee for Wales.

Terms of reference

Functions of BCPSAG

1. The Advisory Group will carry out the following functions;
 - Periodically review the effectiveness of the Building Control Performance Standards and supporting guidance, making recommendations for revisions and publication.
 - Maintain, improve, identify and publish a set of relevant service driven performance indicators.
 - Annually collect and independently analyse performance data received from building control bodies and publish the results of the analysis.
 - Devise and develop with independent advice a system of performance improvement by Building Control Bodies to cover measurement, evaluation and benchmarking of building control bodies' outputs.
 - Monitor the trends of complaints about building control bodies and input results to the regular reviews, working with member bodies as appropriate
 - Periodically report on the Advisory Group's activities to the Building Regulations Advisory Committee for England and the Building Regulations Advisory Committee for Wales

2. In carrying out its functions the Advisory Group will:
 - Aim to proceed by consensus;
 - Have regard to the relevant provisions of the Building Act 1984, and regulations made under the Act; and
 - Treat all information received by the Advisory Group on an in confidence basis subject to the provisions of the Freedom of Information Act 2000.

Membership and Chairmanship

3. The membership of the Advisory Group will consist of nominees as follows:
 - ACAI, BCA, CICAIR Limited, and LABC: one nominee each
 - BRAC for England: one nominee
 - BRAC for Wales: one nominee
 - Three persons in total appointed by BRAC for England and BRAC for Wales, after consultation with the Secretary of State and Welsh Ministers, to represent building users, construction sector clients, participants and/or consumers generally.

4. The Department for Communities and Local Government and the Welsh Government may appoint one observer each to the Advisory Group.

5. Members' appointments will be for a term of three years, with a maximum of three consecutive terms.

6. On appointment members will be asked to sign a declaration to act within the Advisory Group's terms of reference in respect of all matters which are within its functions.

7. The Advisory Group shall appoint a chair, who is independent of the building control bodies, from amongst its members for a term of three years. If the appointed chair is the nominee of either of the Building Regulations Advisory Committees, that Committee may nominate another member.

8. In the event that a nominated member is unable to attend a particular meeting of the Advisory Group the nominating body may send a substitute. If the appointed chair is unable to attend a meeting the Advisory Group shall arrange for another member to deputise.

9. The Advisory Group may co-opt an individual as a member for a specific purpose for a term to be decided by the Group.

Secretariat

10. All secretariat functions for the Advisory group will be carried out by the Secretariat of the Building Regulations Advisory Committee for England and the Secretariat of the Building Regulations Advisory Committee for Wales.

Finances

11. All costs of the operation of the Advisory group will be borne by the Building Regulations Advisory Committee for England and the Building Regulations Advisory Committee for Wales.

Publications

12. All Advisory Group publications will be published by the two Building Regulations Advisory Committees

13. This will include publication of the notes of Advisory Group meetings, subject to information that may be withheld under the allowances in the Freedom of Information Act 2000. The notes of meetings will be published only after they have been agreed by the members of the Advisory Group.

14. The website presence of the Advisory Group will be part of the websites of the two Building Regulations Advisory Committees.

The Association of Consultant Approved Inspectors (ACAI) aims to further the development and understanding of private sector building control with the industry and general public. The Association is committed to maintaining appropriate codes of conduct and high professional standards commensurate with the functions of Approved Inspectors, as detailed in the Building Act 1984 and the Building Control Performance Standards.

The Building Control Alliance (BCA) is a unique industry group made up of representatives from all the organisations directly involved in building control in England and Wales. It includes the organisations supporting the many thousands of building control professionals – the Chartered Institute of Building, the Chartered Association of Building Engineers and the Royal Institute of Chartered Surveyors – and the professional associations promoting public and private sector building control, Local Authority Building Control and the ACAI. The BCA is the only place where all these voices and competing interests come together as one.

CICAIR Limited is the ‘designated body’ for the Department for Communities & Local Government Secretary of State and Welsh Government for appointing Approved Inspectors under ‘The Building (Approved Inspectors etc.) Regulations’ and their amendments. Approved Inspectors are the private sector parallel of Local Authorities ‘Building Control Officers. CICAIR Limited has been set up as a wholly owned subsidiary of the Construction Industry Council (CIC) to carry out the functions of approving approved inspectors.

LABC represents 370 local authorities throughout England, Wales and Northern Ireland with an aim to ensure that buildings attain at least the required standards of legislation covering constructional health and safety, access and sustainability. This is delivered by promoting, supporting and enhancing Local Authority Building Control within the public sector.

Appendix 2

Building control performance indicators

Main objectives

The four indicators summarised below will:

- assist building control bodies to assess their own service quality in pursuance of all the Standards; and
- give those with a central responsibility or concern for the quality of building control a means of identifying building control bodies whose service characteristics appeared unusually good or poor.

Summary of Building Control Indicators

1 – Process Management of Building Control Compliance Operations.

2 – Complaints Handling Processes.

3 – Breakdown of Building Control Work.

4 – Building Control Staff:

- People and Skills
- Experience of Staff
- Specialist Knowledge
- Age and Gender Profile
- Staff Retention and Training

Appendix 3

Useful addresses

- **Association of Consultant Approved Inspectors (ACAI)**
E-mail chairman@approvedinspectors.org.uk
Website: <http://approvedinspectors.org.uk>
- **Building Control Alliance (BCA)**
Website: www.buildingcontrolalliance.org
- **Building Control Performance Standards Advisory Group (BCPSAG)**
E-mail bcpsag@communities.gsi.gov.uk
Website: www.gov.uk/government/groups/building-control-performance-standards-advisory-group
- **CICAIR Limited**
Address: CICAIR Limited
c/o The Construction Industry Council
26 Store Street, London WC1E 7BT
Tel: 020 7399 7400
E-mail: enquiries@cic.org.uk
Website: www.cic.org.uk
- **Department for Communities & Local Government (DCLG)**
Address: Building Regulations and Energy Performance Division
3rd Floor, North East, Fry Building, 2 Marsham Street, London SW1P 4DF
Tel: 0303 44 4000
Email: enquiries.br@communities.gsi.gov.uk
Website: www.gov.uk/government/organisations/department-for-communities-and-local-government.
- **LABC**
Address: LABC, 3rd Floor, 66 South Lambeth Road, London SW8 1RL
Tel: 020 7091 6860
Email: info@labc.uk.com
Website: www.labc.uk.com
- **Welsh Government (WG)**
Address: Building Regulations, Welsh Government, Rhydycar, Merthyr Tydfil, CF48 1UZ.
Tel: 03000 628144
Email: enquiries.brconstruction@wales.gsi.gov.uk
Website: www.wales.gov.uk

Appendix 4

Revised building control performance standards 6 and 7

The revised Building Control Performance Standards 6 and 7 below come into force on 1 April 2017 in respect of building work where an initial notice, building notice or full plans application has been given on or after 1 April 2017.

6. Site inspection

Standard

Site inspection regime: Building Control Bodies shall deliver a site inspection plan matched to client and project needs.

Relevant factors should be assessed at the outset and regularly reviewed so that effective control is maintained for the duration of each project, with adequate site inspections and sufficient records, to demonstrate the application of reasonable skill and care by the Building Control Body.

Site inspection records: records of each inspection, including the information required in the guidance below, shall be maintained. Records shall identify the work inspected and any non-compliance together with any re-inspection. Where plans are not available for the work, these records will be more detailed.

Contraventions: details of non-compliant work (contraventions) should be communicated promptly and clearly to the responsible person, identifying the contravention(s) and indicating any measure(s) believed to be necessary. Any mechanisms for appealing against or disputing a decision of the Building Control Body shall be clearly made known to the responsible person.

Notification of consultees: During the inspection phase, the Building Control Body shall ensure that all statutory consultees are notified of any significant departures from plans.

Guidance

Building Control Bodies develop and maintain Inspection Plans and many provide guides for their clients. Since the changes to statutory inspection notifications under the Building

Regulations, LABC have produced guidance⁸ in the form of 'Inspection Service Plans' which provides consistency in the way Local Authorities risk assess inspection requirements.

The DCLG document 'Risk assessment decision making tool for building control bodies'⁹ provides the basis for LABC guidance documents. Approved Inspectors have applied the Risk Assessment model for many years based primarily on the guidance in this document.

It is good practice for Local Authorities to be notified of commencement and completion of projects constructed under Initial Notice's.

Building control staff use professional skill and judgement in their selection of priorities for inspection using the above guidance tools.

The inspection regime considered necessary will be dependent on many factors including:

- type, scale and complexity of work proposed
- ground conditions
- the extent of prior assessment of plans
- how complicated or relatively straightforward the method of construction is
- whether experience indicates problems with builders/contractors interpreting and/or achieving compliance with certain requirements
- whether the builder is in need of a greater degree of inspection, requested or otherwise
- how serious the consequences of a particular contravention might be
- the impracticability or impossibility of subsequent inspection of hidden work
- speed of build, or methods of fast track construction.

Inspection frequency: the scope and frequency of inspection should be determined, and incorporated in a formal written plan. This plan should be kept under review as the project proceeds. It should take into account the inspection regime factors above.

All sites should be inspected at sufficient frequency to ensure compliance with the Building Regulations.

Remote inspection techniques such as the use of photographs, video or other remote media should not be relied upon as a complete alternative method of ascertaining the compliance of work on site.

Effective follow up procedures are essential to ensure that previously noted errors have been corrected.

Tests at completion: at completion, certain tests may need to be witnessed by Building Control Bodies, in order to demonstrate compliance e.g. drainage, air tightness, flue spillage tests. The Building Control Body should consider the need for such tests at the

⁸ www.labc.uk.com

⁹ www.gov.uk/government/uploads/system/uploads/attachment_data/file/8382/2076730.pdf

earliest possible stage, include them in the inspection plan, and inform the client of its requirements as far in advance as possible.

Site inspection records: adequate records should be maintained to show what work was inspected, the results of the inspection and any remedial action considered necessary. Records should be as specific as circumstances require but should include, as a minimum, the following information:

Core Information

- Name of Building Control Body
- Project Number/Site reference
- Site Address
- Client name and Reference Number
- Person(s) carrying out the work and contact address (eg primary contractor, sub contractor)
- Date initial notice given or building notice/full plans received
- Date final or completion certificate given

Note: This inspection report is restricted to requirements covered by Building Regulations current at that time. It does not constitute evidence that the Building Regulations have been satisfied until a Completion/Final Certificate has been issued for the project. It remains the responsibility of the person carrying out the work to ensure that the work complies with the Building Regulations.

Site Specific Inspection Information for Each Inspection

- Date and time of inspection
- Inspection Items (For each inspection please indicate what was inspected, using the list below. If not included in list please specify under 'Other'):

Excavations	Foundations	Underground Drainage
Damp proofing	Sound insulation	Superstructure
Thermal Insulation	Fire safety	Accessibility
Building Services	Protection from falling, collision and impact	
Completion	Other [specify]	

- Certificates or Notices Received: Yes/No. If Yes provide details
- Photographs: Yes/No
- Inspection made with Builder or Contractor: Yes/No

- Observations/Comments including any non-compliance or possible non-compliance found? Yes/No. If Yes provide details
- If 'Yes' in previous point, action taken, is non-compliance resolved? Yes/No, date inspected

Contraventions of Building Regulations shall be clearly and promptly communicated in writing, identifying the problem to the client and included in the site inspection records. Building Control Bodies should where appropriate discuss with clients measures which may need to be taken to achieve compliance. Decisions regarding Building Regulations compliance, especially formal notices, shall be clearly communicated to the responsible person, observing any statutory time periods.

The Building Control Body should provide the recipient(s) of the decision with details of any remedies available to them in the event of disagreement with interpretation or procedure.

In the event of a Building Regulation dispute, the Building Control Body shall observe any statutory procedures and shall furnish the client with any information regarding available avenues for resolution of the dispute.

7. Communications and records

Standard

Building Control Bodies should communicate with clients, consultees and others in writing.

Where the client is not the building owner the Building Control Body should take reasonable steps to ensure that the building owner is aware of whether the local authority or an Approved Inspector is carrying out the Building Control function for the building work to their property.

Building Control Bodies are required to provide site inspection records to the building owner on request for all building work that has been issued with a final/completion certificate or where an initial notice has been cancelled. The request must be in writing and made within 15 years of the final/completion certificate being issued.

All records relating to the building control service provided to individual projects shall be stored in a retrievable format and wherever practicable electronically by every Building Control Body for a minimum period of 15 years. Arrangements shall be made for their transfer into safe keeping in the event of a Building Control Body ceasing trading.

Guidance

If the client is not the building owner the Building Control Body shall communicate in writing to the building owner that it is the Building Control Body being used for their building work, or be satisfied, e.g. has seen correspondence between the client and building owner, that the client has informed the building owner of which Building Control Body is being used.

Records relating to each building control project should be retained for at least 15 years as they may be needed in the case of legal action or warranty disputes. Records should if practical be stored electronically. Building Control Bodies must make all records available in the case of court action, warranty disputes, a complaint to the Local Government Ombudsman or a complaint to CICAIR Limited.

In addition, Building Control Bodies shall make available full records of site inspections for building work that has been issued with a final/completion certificate or where an initial notice was cancelled to the building owner where a request is made for them in writing within 15 years of the final/completion certificate being issued or the initial notice cancelled. However, such parts of records that contain personal information covered by the Data Protection Act and/or where there are security considerations may be redacted or withheld. A Building Control Body may charge for the provision of the records on a cost recovery basis.

Where an initial notice is cancelled and the approved inspector passes inspection records to the subsequent Building Control Body, whether a local authority or approved inspector, the subsequent Building Control Body will make these records available to the building owner. If the approved inspector does not pass on any inspection records to a subsequent Building Control Body that approved inspector shall make them available to the building owner on request.

Records kept by Building Control Bodies should include as a minimum:

- approved/accepted proposals and design principles
- records of any work carried out by professional consultants on behalf of the Building Control Body
- records of consultations
- records of site inspections
- client design and contractor details
- certificates and notices including Completion or Final certificates

If a Building Control Body ceases to trade it must ensure the safe transfer and on-going storage of its records for the above periods.