

BUILDING CONTROL POLICY

INTRODUCTION TO THE POLICY

The policy establishes the level of service considered appropriate in dealing with the Building Regulations in order to achieve reasonable standards of Health and Safety and to ensure that a Local Authority's duties and liabilities under the Building Act and Building Regulations are adequately fulfilled, by determining what a Local Authority Building Control (LABC) Working Policy should be and how the details of that Policy may be achieved.

It is essential for an enforcing body consciously to determine a policy for Building Control, and to allocate sufficient resources, (staffing, research, materials and equipment) to carry out that policy and prove many years afterwards that it acted properly with the intention of carrying out its duties under the Building Act 1984, including its function to enforce Building Regulations. Any such policy should recognise that it is not possible to maintain the concept that every item of site work to which the Building Regulations relate can be examined. Building Control staff must be allowed to use their professional skill and judgement in their selection of priorities for inspections within the stated policy. The Building Control Manager will take ultimate responsibility for setting priorities, in order to ensure the highest possible service and the optimum use of the resources available.

It will be for each enforcing body to determine the establishment necessary to achieve the appropriate level of service: this should be achieved through a recorded method of assessment of the workload (quantity and complexity) and the staffing level necessary to carry out such workload in a manner which provides the appropriate level of service.

It is of paramount importance that records are kept which show, beyond reasonable doubt, what works were inspected, the results of inspection and those stages of work which it was impossible to inspect for one reason or another, e.g. no power to open up the work, etc. Work which will be subsequently hidden, e.g. foundations, reinforced concrete, or work hidden by ducts, walls or suspended ceilings, should have more detailed records. It is also important that, where dealings are predominantly with a builder, the owner is appraised of key issues such as defects not immediately remedied following their discovery. Effective follow up procedures are essential to ensure that previous errors have been corrected.

If an Initial Notice ceases to be in force, the Local Authority should request such plans and carry out such inspections and follow up procedures as may be necessary to satisfy the Council's policy being mindful of the constraints of the Approved Inspector Regulations.

The following policy is recommended as being a reasonable level of service in relation to the Building Regulations aspect of Building Control.

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Note: This should be read in conjunction with the explanatory notes which follow.

It is considered that the Building Regulation function can be effectively administered on the under mentioned basis, allowing operation within this to be managed by the Building Control Manager and exercised by suitably qualified Building Control staff using their professional skill and judgement: these items are not necessarily in priority order.

- (i) Fees to be checked on all applications submitted.
- (ii) All full plans submitted (other than those submitted and expedited under an approved scheme for Type or System Approval), to be examined and decisions issued within the relevant period, (as agreed with the applicant) and all Building Notices to be examined and verified as soon as possible and in any case no later than two working days after receipt.
- (iii) All Notices and Certificates given under the Building (Approved Inspectors etc) Regulations 2010 to be examined and either accepted or rejected within the appropriate period and recorded in a register, as set out in those Regulations.
- (iv) Works in progress to be inspected by a Building Control Surveyor from time to time to determine compliance with the Building Regulations.
- (v) Subject to the professional judgement referred to in the first paragraph, inspection should be made of: -
 - a) Work which is the subject of the statutory notifications which are required to be given to a Local Authority and within the period so specified;
 - b) Structural elements and components, the failure of which would, in the opinion of the enforcing body, be significant;
 - c) All works which, in the opinion of the enforcing body, would constitute unusual designs or methods of construction;
 - d) Work relating to fire safety;
 - e) Any type of work, construction or material which could, if not verified, cause defects which would, in the opinion of the enforcing body, be seriously detrimental to public health or safety;
 - f) Work affecting access and facilities for people with disabilities;
 - g) Work affecting energy conservation;
 - h) Any additional areas of work necessary for the subsequent issue of a completion certificate.

The Building Control Manager should ensure that the professional staff are kept conversant with legislative changes and procedures and are given the training opportunities (and financial provision) necessary to ensure appropriate continuing professional development to keep abreast with such changes and developments in new technology. The Building Regulation Policy is to be reviewed in the light of major changes in building control legislation and / or developments in case law.

The establishment considered necessary to achieve the requirements of this policy should be determined through a recorded and justifiable method of assessment, and should be reviewed at intervals not exceeding three years.

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EXPLANATORY NOTES

The following notes contain some performance targets, or aims, against which locally agreed, customer led service delivery targets or acceptable levels of achievement, should be determined.

A - Fees

1. As an aid to the checking of fees, it is recommended that use be made of the relevant RICS Building Cost Information Service Tables.
2. The fees in respect of Building Notices should be determined as soon as possible, following site inspection where necessary, by the inspecting surveyor.

B - Deposited Plans

1. For larger projects authorities should encourage consultation prior to the formal submission of a deposited plan.
2. So far as is practicable all deposited plans, Type or Systems Approvals, notices, fees, calculations and certificates should be examined or processed within one unit under the Building Control Manager: this is not to preclude the Building Control Manager from obtaining additional expertise from elsewhere as and when necessary.
3. Wherever possible Plan Review Letters, or the Decision should, normally, be sent out within 15 working days and amendments should, wherever possible, be dealt within the original relevant period.
4. Plans submitted under a Type or Systems Approval scheme should be examined only so far as is necessary to determine any outstanding matters not included within the original Approval.
5. Plans should be looked at to identify that they are not defective and that there are no contraventions shown. Work on site has to comply with the Regulations, but not necessarily with the deposited plans. There is, thus, little to be gained from being unduly pedantic, i.e. it would be unproductive to raise points which do not generally cause problems or could be readily resolved on site. In determining the level of plan examination required, this must be considered in conjunction with the expected level (quantity and quality) of subsequent site inspection.
6. Defects listed should, wherever possible, draw attention to the contents of the Approved Documents.
7. Within any agreed or set procedures, reasonable deadlines should be set for responses within the relevant period from consultees e.g. the Fire Brigade.
8. When conditional and / or stage approvals are issued, after agreement in writing with the person by whom or one whose behalf the plans are deposited, a schedule should be compiled of: -
 - a) The modifications specified by the local authority and / or:
 - b) The further plans required to be deposited and so specified by the Local Authority.

C - Building Notices

1. For larger projects all authorities should encourage consultation and / or the submission of informal plans prior to the actual submission of a Building Notice.
2. In order to fulfil the statutory function, it is considered that all Building Notice work must be inspected on a more frequent basis than would otherwise be necessary under the full plans procedure: it may also be necessary for such inspections to be carried out by personnel with greater expertise.
3. Where it is clearly indicated, Notice of Commencement should be acceptable where provided on the Building Notice Form.
4. In acknowledging receipt and acceptance of a Building Notice, where no commencement date is given the Authority should issue a reminder for such notice.
5. To ensure consistency in the handling of Building Notices, further plans or details should only be requested where it is not possible to ascertain on site that the work will comply.
6. Where any plans, calculations, or other details show any obvious and significant contraventions, these should be communicated to the client / customer.

D - Inspections in General

1. Not every item of site work to which the Building Regulations relate can be examined. Building Control staff must be allowed to use their professional skill and judgement in their selection of priorities for inspections within the stated policy: the generality of the workload and the resources available at the time must be considered in any challenge of such judgement. It is, however, of paramount importance that records are kept which show beyond doubt, what works were inspected, the results of inspection, any limitations governing an inspection and the works not inspected.
2. The Building Regulations requirement that notice be given to a Local Authority by a builder at certain stages of the work is not to be taken as an indication that inspection is not necessary between these stages.

The level of inspection considered necessary will be dependent upon many factors including: -

- a) how complicated or relatively straightforward the method of construction;
- b) whether recent experience indicates current problems in interpreting and / or achieving compliance with certain requirements;
- c) whether the builder is in need of greater supervision, requested or otherwise;
- d) how serious the consequences of a particular contravention might be;
- e) the impracticability or impossibility of subsequent inspection of hidden work.

For the purposes of subsequent enforcement action e.g. in cases where work has lapsed, it is considered that the period between inspections should not exceed three months.

3. It is considered that where, in the opinion of the inspecting body, work is substantially complete and there are no serious contraventions, i.e. there are no contraventions which will have an adverse effect on Health or Safety, and site progress has ceased, management may decide that, for administrative purposes only, such jobs could be filed away: this would not preclude the subsequent issue of a completion certificate, following a satisfactory final inspection.
4. Where appropriate, Completion Certificates should be issued within 48 hours of a completion inspection.

E – Records

1. The need for adequate and permanent records cannot be overstressed. In respect of work carried out under procedures other than those requiring full plans approval (e.g. Building Notices) in most cases there will be few plans forming part of the record of building work: it is thus necessary to maintain more detailed records of such schemes.
2. Details of work which is subsequently hidden, e.g. foundations, reinforced concrete and work hidden by ducts, walls or suspended ceilings, should have a higher priority in the records than work which is subsequently visible and forms its own record.
3. Records should be kept (as required by law) of all Initial Notices and Final Certificates submitted by Approved Inspectors: this should be indicated on any subsequent Land Search Inquiry.
4. On satisfactory completion of building work a Completion Certificate should be issued as standard practice.

F – Contraventions

Building Control staff should be ever vigilant to observe work for which approval has not been sought. Any detected contravention of the Building Regulations must be clearly recorded and followed up and, where dealings are predominantly with a builder, the owner should be appraised of the situation and matters involved. The appropriate course of action should be taken to remedy the situation and details of such action should be notified to the department responsible for Local Land Charges.