

# Annex B

## RESPONSE FORM

### The Future of Building Control : Consultation

Respondent Details:	
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<b>Is your response confidential? If so please explain why. (See disclaimer on page 9)</b> <b>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></b> <b>Comments:</b>	
Provision is made throughout this questionnaire for you to provide additional comments. If, however you wish to provide more detailed comments on any aspect of the consultation then please feel free to append additional materials and supplementary documents, clearly marked and cross referenced to the relevant questions, as necessary.	

The Department of Communities and Local Government wishes to engage better with its stakeholders by automatically notifying you of changes to the regulations and approved documents and of consultations on building regulations issues. Because of the UK Data Protection Act 1998 we need your consent before we can do this. Please indicate your consent by ticking the consent box below.

I/We hereby consent to the recording, storage and processing of my/our personal information by the Department of Communities and Local Government, and any data processor you may use, for the purpose of enabling stakeholder engagement

**Organisation type (tick one box only)**

House or property developer	<input type="checkbox"/>	Approved Inspector Corporate Individual	<input type="checkbox"/> <input type="checkbox"/>
Commercial Developers	<input type="checkbox"/>	Local authority – other (please specify)	<input checked="" type="checkbox"/>
Housing Association (Registered Social Landlords)	<input type="checkbox"/>	Fire & Rescue Authority	<input type="checkbox"/>
Property Management	<input type="checkbox"/>	Other non-governmental organisation	<input type="checkbox"/>
Builder – Main Contractor (commercial/volume housebuilder)	<input type="checkbox"/>	Householder	<input type="checkbox"/>
Builder – Small Builders (repairs/maintenance/extensions)	<input type="checkbox"/>	Trade body or association	<input type="checkbox"/>
Builder – Specialist Sub Contractor	<input type="checkbox"/>	Research/academic organisation	<input type="checkbox"/>
Manufacturer	<input type="checkbox"/>	Professional body or institution	<input checked="" type="checkbox"/>
Architects	<input type="checkbox"/>	Testing bodies	<input type="checkbox"/>
Civil/Structural Engineer	<input type="checkbox"/>	Specific interest or lobby group	<input type="checkbox"/>
Consultancy	<input type="checkbox"/>	Journalist/media	<input type="checkbox"/>
Individual in practice, trade or profession	<input type="checkbox"/>	Insurer	<input type="checkbox"/>
Local authority – Building Control	<input type="checkbox"/>	Other (please specify):	<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>

	<input type="checkbox"/>		<input type="checkbox"/>
<b>Geographical Location</b>			
England	<input type="checkbox"/>	Wales	<input type="checkbox"/>
England and Wales	<input checked="" type="checkbox"/>	Other (please specify)	<input type="checkbox"/>

Questions
<p>Chapter 1: A Vision for Building Control</p> <p><b><i>Proposal 1.1: Develop a shared vision for the future of Building Control</i></b></p>
<p><b>Q1.</b> Do you agree that a vision for building control based on the boxed text in chapter 1 would be useful?  <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> <input type="checkbox"/></p>
<p><b>Q2.</b> Are the areas covered in the boxed text generally the right ones?  <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> <input type="checkbox"/></p> <p>Comments: The Vision bullet points identify a building control system which, generally, already exists in practice, although it may not always operate as effectively as it should and the general public (when they do get involved with building control) needs to be better informed.</p>
<p><b>Q3.</b> Are there other areas a vision statement should cover?  <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> <input type="checkbox"/></p> <p>Comments: The bullet point on levels of inspection must consider cost, resources and consistency of approach.  The bullet point on resources being used appropriately should be expanded to cover the provision of adequate resources (it could be a separate point and it does arise elsewhere in the consultation).  The bullet point on dispute resolution is perhaps the one area where what already exists needs strengthening/clarification.</p>
<p><b>Q4.</b> Is what we say about quality generally correct?  <b>Yes</b> <input type="checkbox"/> <b>No</b> <input checked="" type="checkbox"/></p> <p>Comment: Nowhere in the boxed text is the word 'quality' used. If the bullet points are supposed to represent the quality of service which needs to be offered the response, with the commented variations, would be yes, but say so.</p>
<p><b>Q5.</b> Are there other issues under quality which we need to cover?  <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> <input type="checkbox"/> <b>Don't Know</b> <input type="checkbox"/></p> <p><b>Comments:</b> To ensure that quality is maintained there may be a longer term requirement beyond the collection and analysis of Performance Indicator data which permits random/sample audits of BCBs.</p>
<p><b>Proposal 1.1: Further comments:</b></p>

***Proposal 1.2: A 'Procedural Guide' to explain what Building Control is for***

**Q6.** Do you agree that a procedural guide which sets out the purpose of building control, the processes, role and responsibilities and a brief explanation of the regulations would be helpful?

**Yes**  **No**

Comment: The Explanatory Booklet of para 51 should refer to the Procedural Guide, even if is in the future tense.

Paras 52 -55 about awareness and evasion need to be clear that 'public' awareness realistically refers to individuals who will probably only be involved with building control once in their lives. As for evasion, it can occur at all levels, but will be prevalent whenever 'cowboy' (unqualified/unregistered) builders/tradesmen are employed - very common at the domestic level.

**Q7.** An on-line only version of the procedural guide which could be downloaded by users would be easier to keep up-dated. Would you support this approach?

**Yes**  **No**

Comment: But knowledge of its existence is essential if it is to be of use to the 'public'. The suggested role of the building control service identified in para 56 would be essential in this respect and it may need to include referring non PC owners to public libraries, etc.

**Q8.** Do you agree more needs to be done to communicate the benefits of using building control and that raising awareness particularly amongst those that pay the fees should be an explicit part of a building control service responsibility?

**Yes**  **No**

Comment: See under Q7. Surely it's a legal requirement to use building control - the 'benefits' follow.

**Q9.** Do you have any good examples of which we should be aware or organisations that should be engaged to lead in co-ordinating this work?

**Yes**  **No**

**Comments:** Professional marketing group with a good eye-catching 'graphics' approach.

**Proposal 1.2: Further comments:**

***Proposal 1.3: To create a seamless planning and building control service***

**Q10.** Do you think we should do more to require planning and building control services to operate as a single function to ensure better joining up for the customer?

**Yes**  **No**

Comments: Long overdue. CIC formally recommended this in their report and recommendations to the then Minister, Mr Chris Leslie, in February 2003 (a response is still awaited). The content of paras 58 - 60 is welcome, but further proposals are needed, for debate. The objectives of paras 60 - 66 in terms of seamlessness and joined up approaches are very welcome and we await detailed proposals, but the energy related comments are largely concerned with a different topic of debate.

**Q11.** Do you have examples of successful close working relationships in your LA which we could disseminate?

**Yes**  **No**

**Comments:** N/A

***Proposal 1.4: Other tools for a seamless service***

**Q12.** Do you agree with our aim to further e-enable the building control system and its processes?

**Yes**  **No**

Comment: The three paras in this section are really addressing two separate issues, the first relating to BCBs using email for documentary correspondence and the second relating to informing 'citizens'.

Para 67 and the final bullet point of 69 concern the need to communicate with the public, but so far government and LAs have not provided a detailed (or consistent) methodology. Once this exists there will be the consequential marketing/PR task which will be a long and costly campaign to get the message across (cultural change).

In terms of BCBs and the use of email there is obviously some way to go (para68) and the government might expedite the process by setting some milestone targets geared to a series of dates.

The proposals about Initial Notices and insurance certificates are welcome. CIC as the Secretary of State's designated body for the appointment of Approved Inspectors would be pleased to participate in the pursuit of the proposals.

**Q13.** What are the other barriers to more e-enabling that we need to address?

**Comments:** In order to achieve the desired seamlessness it will be essential to combine access to the suggested upgraded Planning Portal with the methodology suggested in comments under Q12 for para67.

**Proposal 1.4: Further comments:**

## Chapter 2: A Better Approach to Delivering Regulations and Guidance

### ***Proposal 2.1: Introduce a Periodic System of Review***

**Q14.** Do you support the introduction of a 3 yearly review of the regulations, whereby no one issue/subject will be reviewed more than once every 2 cycles, unless necessary through exceptional circumstances?

**Yes**  **No**

Comments: There should be further discussions on this proposal before it is finalised. Given the sequential reasons for arriving at the proposal it is a reasonable compromise, but there are some matters worthy of further discussion. There are some Parts where changes may not be required even after 6 years. How would the no change update be signalled? More importantly there needs to be some clarification of the key stages (para 87).

The Backward Look talks of compliance levels, impacts and intended effects, which mirrors what has allegedly been done in the past, but experience suggests that very small sampling was used as proof of achieving the intended effect. It is essential that adequate sampling is used in the proposed future format and it is probably not possible until at least two/three years after an amended Part is introduced (too few completed and operating buildings). Build this period into the time frame. When the Draft Forward Plan is published will it have been trailed to the Stakeholders (possibly as part of the Forward Look)? Presumably Consultation 1 is discussion with the Stakeholders?

Publicity is shown as the last key stage after the laying of SI, Regs and guidance, while para 89 talks of a standstill period before implementation of six months, under the new system. Isn't the standstill period the equivalent of the transition period under the existing system? Para 89 also refers to awareness raising and training (identified in the Publicity key stage) during the six months. Given the experience of the latest issue of Part L (admittedly complex and rushed) the period of six months for training and awareness may be lamentably short.

**Q15.** Do you agree with our analysis of why a shorter or longer time frame does not work?

**Yes**  **No**

Comment: Yes, but with the provisos of the queries under comments to Q14.

**Q16.** Do you agree that we should start the first cycle of review in line with commitments to review Part L (i.e. starting in 2010)?

**Yes**  **No**

Comments: In principle, but see comments under Q14. The proposal is presumably based on there being a prior re-issue of Part L in 2010 under the current system?

**Proposal 2.1: Comments:**

### ***Proposal 2.2: Introduce a standstill period between reviews***

**Q17.** Do you support the introduction of a 6 month standstill period?

**Yes**  **No**

Comment: But see queries under comments to Q14.

**Proposal 2.2: Comments:**

**Proposal 2.3: Rename, revise and reduce Approved Documents**

**Q18.** Do you agree that Approved Documents should be renamed? If yes, any suggestions?

Yes  No

Comments: Paras 91-94 relate to name and content and the name is far less important than the phrase in para 93 that "the guidance... be presented in as clear and comprehensive manner as possible".

**Q19.** Do you think our approach to merging and reducing the number of Approved Documents over time is the right one?

Yes  No

Comments: It certainly needs to be seriously considered, but the outcome may be different to the options outlined. There is also the possibility of new Parts being introduced. Agree with the para 91 assertion that sustainability is an integral element of all Parts, not a separate subject.

**Q20.** Do you:

- Use the Approved Documents on-line?

Yes  No

- Or did you purchase a Part?

Yes  No

- Or a full bound set?

Yes  No

Comments: N/A

**Q21.** Do you have other suggestions to improve the presentation and usability of these documents?

- Hard copies

Yes  No

Comments: Improving clarity on the separation of the 'Regulation' from the guidance and technical content, a point covered In the consultation.

- Electronic copies

Yes  No

**Comment:** Ditto. Electronic versions lend themselves to corrections, amendments and updates, but the proposed six year cycle between issues suggests that only corrections could be entered and how would hard copy owners be made aware of them?

**Proposal 2.3: Further comments:**

**Proposal 2.4: Project guides**

**Q22.** Do you support the development of project guidance for domestic extensions and loft conversions?

Yes  No  Don't Know

**Q23.** What in your view are the other areas where compliance is thought to be low and a project guide might be of help?

**Comment:** We believe that this is an area of debate with stakeholders during the next phase of the review, but Parts L and P may be prime candidates. This is all part of communication with the public as expressed in para 69.

**Proposal 2.4: Further comments:**

***Proposal 2.5: Establish criteria for references to third party documents***

**Q24.** Do you find references in the Approved Documents helpful?

**Yes**  **No**

**Comments:** But they hardly comply with the aim of making the ADs as self contained as possible. There was much debate about the range of third party information which would be necessary in the latest issue of Part L and it was considered that its inclusion would make the AD too long (the use of commercially biased/produced documents was a separate debate). This balance between references and textual inclusion has to be further discussed for future ADs.

**Q25.** Do you think our proposal to assess third party guidance against a set of criteria (clear and accurate, freely available on the Internet, not commercially biased) is correct?

**Yes**  **No**

**Q26.** What other criteria need to be applied?

**Comment:** The criteria of para 101 are a starting point. Other criteria need to be discussed with stakeholders - there will initially be a spectrum of differing opinions.

**Q27.** Are there other problems with third party documents which we need to address?

**Comment:** If there is a desire to include all the relevant documentation in an AD there may be merit in only using specific extracts from suitable documents. Why are British and European standards excluded from consideration for inclusion - para 101?

**Proposal 2.5: Further comments:**

***Proposal 2.6: Make best use of the Planning Portal***

**Q28.** Do you agree the Planning Portal needs to be re-branded to reflect its role in hosting building control content?

**Yes**  **No**

**Comments:** Re-branding may be a matter of name change, but marketing/publicity is probably more important.

**Q29.** Do you use the planning portal?

**Yes**  **No**

**Comments:** N/A

**Q30.** If yes, do you find it useful?

**Comment:**

**Proposal 2.6: Further comments:**

## Chapter 3: Modernising Inspection and Enforcement

### ***Proposal 3.1: Provide specific guidance on risk assessing projects***

**Q31.** Do you agree specific guidance on risk assessing projects would help?

Yes  No

Comments: But it needs to be consistently adopted by all BCBs. Para 105 is a very clear exposition of the current inconsistency.

**Q32.** For what particular projects would you most welcome guidance in the first instance?

**Comment:** The domestic sector is probably most at risk - larger projects tend to have professional design teams and contractors with greater technical knowledge.

**Q33.** (BCBs only) What guides do you currently use to help you risk-assess applications and draw up an inspection notification framework?

**Comment:**

#### **Proposal 3.1: Further comments:**

Paras 107 and 108 would have been clearer if 107 indicated that there are two routes LAs and AIs. As written the AI route looks like an afterthought.

Para 109 seems to confirm the fears raised in 105 about what is considered important and the division between health/safety and other areas of compliance. It seems surprising that LA BCOs consider notification points as requiring statutory inspections - others in the industry, not BCBs, would normally take notification points as allowing a BCB to inspect, if they wish, prior to work being covered up. It is difficult to accept that this view, even if prevalent, inhibits a risk assessed approach based on the matters listed in the first bullet point. Rather than dismissing notification stages why not make the most important elements (where work will shortly be covered) notifiable to public and private sector BCBs so that they all have the opportunity of making inspections, if they so wish, within a risk assessment approach?

The final bullet point of 109 uses the notification stages as an obstruction to LAs in the level playing field debate. There are other anomalies in the differing practices of LAs and AIs which create obstructions, to both sides, in level playing field terms than the one identified. While each party operates under different regulatory regimes such anomalies will continue to exist, but the Building Control Alliance does mediate in such circumstances.

Paras 110 -112 relate to the risk based approach and simply emphasise that it should be common to LAs and AIs, consistently applied, and incorporate a site inspection regime.

In respect of paras 113 - 119 it seems clear that further discussions on Building Notices is essential to clarify where they are, or are not, acceptable. Given the content of paras 116 - 119 it would perhaps be easier for LAs to follow the route taken by AIs in respect of BNs and this would eliminate what is described in para 120 as the two-tier marketplace ( the resolution of when BNs may be used would simplify the situation).

Hasn't the six month limitation for prosecutions- para 123 - been overtaken by events?

Paras 130 - 133 refer to the Hampton Review, which the Government is committed to implementing. While it may be an admirable document it has nothing to do with building control, which is explicitly excluded from the Review, although it is not easy to find. In Annex C - Local Authorities (page 101 et seq) para C37 states "**some areas of local authority work ..... which are not within the scope of this review**" ... "**building control: and planning**".

***Proposal 3.2: Remove Statutory Notification Stages for Local Authorities and replace with a risk based approach to inspection (a Service Plan)***

**Q34.** Do you agree we should remove statutory notification stages?

Yes  No  Don't Know

Comments: See the question posed to para 109 under Proposal 3.1 Further Comments. Some statutory notifications may be an aid to all BCBs under a common risk based methodology.

**Q35.** Do you agree we should replace it with a requirement to issue a Service Plan?

Yes  No  Don't Know

Comments: A modified statutory notification scheme should be part of the Service Plan (risk based assessment regime).

**Proposal 3.2: Further comments:**

***Proposal 3.3: Make Issuing of Completion Certificates by Local Authorities Mandatory***

**Q36.** Do you agree with making the issuing of completion certificates for all works mandatory, whether submitted using a Building Notice or Full Plans?

Yes  No

**Comment:** If this applied it would remove one of the level playing field anomalies between LAs and AIs. Whether it should apply to all BN submissions will depend on the outcome of the debate on where BNs are acceptable. It may not be necessary where a BN is for minor domestic scale work.

**Q37.** Do you agree that we should introduce one mandatory inspection as part of the service plan and to support the issuing of the completion certificate?

Yes  No

Comments: It would appear strange to the 'public' if no inspection visit occurred (BN minor works probably excepted) and most builders etc might also ask what BCB involvement really meant. it were

**Q38.** What might the practical implications and problems of making at least one inspection mandatory be?

**Comment:** Virtually none - somebody will probably list a whole series of consequences!

**Proposal 3.3: Further comments:**

***Proposal 3.4: Limit Building Notices to minor works***

<p><b>Q39.</b> Are we right to want to limit Building Notices?  <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> <input type="checkbox"/>  Comments: Given the problems identified in the consultation document some limitations appear to be desirable; detailed proposals are for others to make.</p>
<p><b>Q40.</b> Are the areas we propose to require Full Plans the right ones (i.e. loft, cellar and garage conversions, erection of new buildings and extensions)?  <b>Yes</b> <input type="checkbox"/> <b>No</b> <input type="checkbox"/>  Comments: See comments to Q39.</p>
<p><b>Q41.</b> What might the unintended consequences be?  <b>Comment:</b> Complaints- probably unjustified - from providers of BNs, who do not want to be too explicit about their proposals and may be trying to avoid their regulatory responsibilities.</p>
<p><b>Q42.</b> Are there any areas we have not covered which in your view need to be considered?  <b>Comment:</b> Nothing obvious at this point.</p>
<p><b>Proposal 3.4: Further comments:</b></p>
<p><b><i>Proposal 3.5: Allow Local Authorities to issue Stop Notices</i></b></p>
<p><b>Q43.</b> Do you agree stop notices would be of benefit to local authorities in enforcing the building regulations?  <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> <input type="checkbox"/> <b>Don't Know</b> <input type="checkbox"/>  Comments: Appears to be reasonable, but others are better informed.</p>
<p><b>Q44.</b> In what circumstance might they most usefully be applied and what are the perceived difficulties?  <b>Comment:</b> Others are better placed to comment.</p>
<p><b>Proposal 3.5: Further comments:</b></p>
<p><b><i>Proposal 3.6: Allow Local Authorities to issue fixed monetary penalties</i></b></p>
<p><b>Q45.</b> Do you agree the threat of a Fixed Monetary Penalty could act as a useful deterrent to breaches of the regulations?  <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> <input type="checkbox"/>  Comments: If it helps, yes, but to set up an equitable, acceptable and practical system may prove very difficult. Could it be used with and/or without a stop notice?</p>
<p><b>Q46.</b> If the power to issue fines existed how might local authorities most appropriately apply them? What criteria should we consider using?  <b>Comment:</b> The comment to Q45 is apposite, others will need to define the criteria and the various levels of fine.</p>
<p><b>Proposal 3.6: Further comments:</b></p>
<p><b><i>Proposal 3.7: Extending time for prosecution</i></b></p>

**Q47.** Do you agree that it would be useful to set the enforcement action time limits for all forms of formal enforcement at two years?

Yes  No

**Comment:** See the comment against para 123 under Proposal 3.1: Further Comments.

## Chapter 4: Alternative Routes to Compliance

### ***Proposal 4.1: Improvements to the Competent Persons Schemes***

**Q48.** Are we right to continue with our current approach to encourage more schemes in existing areas and to continue not to approve Competent Persons schemes in the areas of structure, fire and underground drainage as built?

Yes  No

Comments: A very conditional yes -see later under Proposal 4.1: Further Comments.

**Q49.** Do we need to do more to improve existing systems than our current proposals (i.e. to require UKAS accreditation, encourage publication of leaflets, resolving data transfers and addressing difficulties)?

Yes  No

**Comment:** Emphatically.

### **Proposal 4.1: Further comments:**

Para 172 and para 189 - what is wrong with the 'Standard Details' rather than 'Pattern Books' which are generally applied to fabrics and decorating materials?

Para 172 - heating and electrical services could have accommodated under the traditional BC framework if it hadn't been treated as a secondary consideration for far too long, so that adequate skilled resource was never recruited.

Paras 175/176 - where there are multiple operators for a specific area they do not all have equivalent standards and the use of UKAS, proposed in para 198 is long overdue.

Para 177 - it is understandable that competent persons schemes for structure, fire safety and drainage are not being pursued. But, how does this equate with the approved Institution of Structural Engineers scheme for what may best be described as competent persons for structural design, whole building certification (para 182), third party certification (para 185 - which could include the ISE scheme and the scheme proposed by CIBSE) and Appointed Persons (paras 194 - 197), all of which might cover one or more of the three restricted areas?

Clarification of all these overlapping and potentially conflicting schemes is urgently required as part of the next phase of the future of building control. Para 187 simply emphasises this point. There is a great danger that the current proposals could result in a more complex and expensive system, rather than a clearly understood, relatively simple and less bureaucratic system.

Para 183 - how are 'independent building control' and 'full self -certification' defined? Do they parallel any of the options listed above under para 177?

Paras 185/186 - carried to the limit, third party certification (186) could reduce the burden on BCBs (187) to zero. How can the defined third party certification be carried out within the existing Competent Persons framework (para 188), which is confined to self-certification?

Para 191 - quotes the downside of robust details as being the cost of setting up the scheme and registration fees. Surely the upside is the aggregated long term savings from not having to carry out very expensive and extensive remedial works?

Para 193 - the replication of the successful acoustic robust details scheme should be pursued and some potential areas are identified in paras 213 -215. They need to be discussed further and other areas should be added, using the criterion that situations where non compliance leads to expensive and disruptive remedial works are those which should be examined first.

***Proposal 4.2: Investigate the case for other forms of Certification***

**Q50.** Do you see any merit in whole building certification?

Yes  No

Comments: But only if it can be shown to be a way forward after consideration of the points made under Proposal 4.1:Further Comments for para 177.

**Q51.** Do you think it is appropriate to develop third party certification (certification of parts of a project) but only within the Competent Person Scheme framework?

Yes  No

**Comment:** Because it is our understanding that the CPS framework is limited to self-certification. If it can be shown that there is a way forward after consideration of the points made under Proposal 4.1:Further Comments for para 177 and paras 185/186 then the response might change to Yes. Isn't third party certification replicating the role of Approved Inspectors - in whole or in part?

**Q52.** If yes, in what areas?

**Comment:** ISE have an approved scheme and CIBSE have proposed a comprehensive scheme, both of which could be considered as models on how to proceed.

**Proposal 4.2: Further comments:**

***Proposal 4.3: Further encourage the Appointed Person role***

**Q53.** Do you think we should regulate for the Appointed Persons role or simply promote the adoption of this role as good practice?

- Regulate?

Yes  No

**Comments:** Before any decision is made consider the points made under Proposal 4.1: Further Comments for para 177.

- Promote Good Practice?

Yes  No

**Comment:** See Comments under Q 53.

***Proposal 4.4: Extension of the Pattern Book approach***

<p><b>Q54.</b> Should the pattern book approach be extended?  <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> <input type="checkbox"/>  Comments: Very selectively - see Comments under Proposal 4.1: Further Comments for para 193.</p>
<p><b>Q55.</b> What areas do you think the pattern book approach could cover?  <b>Comment:</b> See Comments under Proposal 4.1: Further Comments for para 193.</p>
<p><b>Q56.</b> Do you agree that a pattern book scheme could be developed to cover air-tightness testing and accredited details for Part L in dwellings?  <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> <input type="checkbox"/> <b>Don't Know</b> <input type="checkbox"/>  <b>Comment:</b> But first see Comments under Proposal 4.1: Further Comments for para 193.</p>
<p><b><i>Proposal 4.5: A Fast Track Dispute Resolution Service and Modernised System of Appeal</i></b></p>
<p><b>Q57.</b> Do you agree a voluntary industry led dispute resolution scheme, with independent panel members, would be beneficial to users of the building control system?  <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> <input type="checkbox"/></p>
<p><b>Q58.</b> Have you had a technical dispute in the last year which you would have taken to this scheme had it existed?  <b>Yes</b> <input type="checkbox"/> <b>No</b> <input type="checkbox"/>  Comments: N/A</p>
<p><b>Q59.</b> What would deter you from using such a scheme?  <b>Comment:</b> If the current DCLG system could resolve disputes in 4-8 weeks, as distinct from 7-8 months (para 221).</p>
<p><b>Q60.</b> Do you agree that the current statutory determination and appeal procedures are in need of reform?  <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> <input type="checkbox"/></p>
<p><b>Q61. (LAs only)</b> How many formal relaxation or dispensation applications have you received in the last three years and how many of these have you consented to?  <b>Comment:</b> N/A</p>
<p><b>Q62.</b> Would repealing the right to appeal to the Secretary of State against a LA's refusal to relax or dispense with a requirement of the building regulations cause you any difficulties?  <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> <input type="checkbox"/> <b>Don't Know</b> <input type="checkbox"/>  Comments: If the BCA option, with an independent panel (para 225) is adopted the SoS's role would be as the 'appeal panel' prior to court action, unless the BCA option is set up by DCLG with an appeals procedure as the final judgement, prior to any court proceedings.</p>
<p><b>Q63.</b> Do you consider that continued recourse to the Secretary of State to resolve disputes where necessary is beneficial?  <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> <input type="checkbox"/> <b>Don't Know</b> <input type="checkbox"/>  Comments: But only if there is no appeals procedure such as that suggested in the Comments under Q62.</p>
<p><b>Q64.</b> Would you support a provision giving a new right of appeal to the Secretary of State along the lines outlined in proposal 4.5, or would you support the other options suggested?</p>

- Secretary of State?

**Yes**  **No**

- Other options?

**Yes**  **No**

Comments: Our response is contained in the Comments under Qs 62 and 63.

**Q65.** If you support the other options, do you have a preference as to which option you support, and why?

**Comment:** See the Comments under Qs 62 and 63.

**Q66.** Do you have any other proposals on how best to resolve building control disputes?

**Yes**  **No**

**Comment:** But we reserve our judgement until details of the BCA option and its, or an alternative, 'appeals' procedure are defined.

**Proposal 4.5: Further comments:**

Chapter 5: Improved Performance and Capacity

Comments on 'Issues':

Para 237 suggests that BCBs may be asked to "demonstrate the energy efficiency of buildings". This is, hopefully, an error as it is a role totally outside the scope of a BCB's professional activities and quite different from checking compliance with the requirements of Part L of the Regulations.

Para 238 raises anecdotal areas of dispute between public and private sector BCBs. Such matters rarely go beyond anecdotes and both BCA (through ACAI and LABC) and CIC (through CICAIR) make great efforts to obtain supporting evidence for these anecdotal complaints, normally without success. When complaints with supporting evidence do emerge both organisations have well established and published complaints procedures. There is indeed a competitive market place (and the consultation addresses how LAs may be freer to compete), but the question of interpreting the regulations is one involving both private and public sector BCBs - it's not exclusive to AIs.

***Proposal 5.1: Embed and Develop the Building Control Performance Indicators***

**Q67.** Do you agree that we should further develop the Building Control Performance Indicators?

**Yes**  **No**

**Comments:** They need to be orientated more towards outcomes (see paras 242 and 251), so that collected data analysis indicates performance at the sharp end of building control.

**Q68.** Do you have any further suggestions on how to improve the monitoring and performance of Building Control?

**Comment:** Currently the first formal collection Performance Indicator data is in progress and further suggestions may emerge from its analysis. On a long term basis consideration of audits for BCBs may be one method of improving performance and para 252 includes this as one of the government's aims.

***Proposal 5.2: Strengthen the overarching Performance Management System***

**Q69.** Do you agree some form of peer review/audit for the reasons described here would be helpful?

Yes  No

**Comment:** The Comments under Qs 67 and 68 apply.

***Proposal 5.3: Continue to promote industry standards in a competitive market place***

**Q70.** Do you think these complaints procedures are fit for purpose?

Yes  No

**Comments:** As one of the organisations dealing with the complaints, as the Secretary of State's designated body, we would be expected to acquiesce, but see our comments for para 238 under Comments on 'Issues' above, which are supported by paras 258 -260.

**Q71.** How might they be improved?

**Comment:** CIC continuously strive to improve and update the AI complaints procedures, based on experience and changes to requirements.

***Proposal 5.4: Promote Shared Approaches to Working***

**Q72.** Are there other examples of positive working relationships of which you are aware and which we might disseminate as examples of co-operation and good practice in providing a modern building control service?

Yes  No

**Comment:** None to our knowledge that aren't already identified in the consultation document.

***Proposal 5.5: Enabling a "level playing field"***

**Q73.** Do you welcome the move to review the AI Regulations in the following way:

- Remove the need for a signature of the person doing the work on an initial notice

Yes  No

**Comments:** But there needs also to be more clarity on who may sign as the AI.

- Remove the need for a signature on the insurance certificate

Yes  No

**Comments:** Consideration should be given as to whether a register of AIs' current insurance policies should be kept and who would be responsible for it. BCA or CIC might be suitable holders.

- Simplify the approvals process by establishing a single class of approved inspector

Yes  No

**Comments:** CIC have been advocating this change for several years.

- Clarification of the regulation 10 requirement

Yes  No

**Comments:** Also advocated by CIC for years.

- Removal of some stages of statutory approvals

Yes  No

**Comments:** This has already been addressed under Proposal3.1: Further Comments for para 109 and in responses to Qs 34 and 35. Being selective about statutory notifications should be part of the proposed 'Service Plan' common to all BCBs.

**Q74.** Are there other areas covered by the AI Regulations which you think should be covered by the above review?

**Yes**  **No**

**Comment:** Clarify the Regulations in respect of the submission of Initial Notices (when and related to commencement of work), period for LA response, validity of reasons for rejection and the definition of commencement of work. BCA have produced protocols for Initial Notices and Commencement of work, due to the lack of clarity in the current AI Regulations, but there is now the opportunity to ensure that the Regulations plug the gaps.  
CIC would welcome the opportunity to discuss this and other possible changes at the earliest opportunity.

***Proposal 5.6: Review of the local authority Building Control Charges Regime***

**Q75.** Do you agree that the current local authority building control regime is inflexible and restrictive and is in need of review, particularly with regard to competition with approved inspectors?

**Yes**  **No**

**Q76.** Is there evidence that surpluses derived from local authority building control charges income is being used to fund other services within LAs?

**Yes**  **No**

**Comment:** This has been reported at meetings of the CICAIR Board by LA members who feel strongly that such surpluses should be re-invested in training and extra resources for building control, but they do not control such surpluses. For this reason the proposals of para273 are welcome.

**Q77.** Do you believe that the proposals identified in paragraphs 271 and 272 will provide the flexibility and transparency sought?

**Yes**  **No**

**Comment:** They should.

Please make any further additional comments here, ensuring that you clearly refer to any relevant questions or responses submitted above.

**Any other comments:**

CIC's other comments have been entered in the Response Form as close to the relevant paragraphs and/or Questions as possible.