

**Sustainable Buildings Division  
Communities and Local Government  
Floor 2, Zone H6,  
Eland House,  
Bressenden Place,  
London,  
SW1E 5DU**

Dear Paula Higgins,

The Future of Building Control Consultation – CIC's Response

Following our initial response we have mapped three responses from constituent members and as a result wish to update CIC's response.

In a limited number of instances some members chose a 'no' or 'yes' option that differed from the CIC choice, but often the answers were so extensively qualified that the qualification is the key point rather than 'yes' or 'no'. Even where we seem to differ, the qualifying comments and the general commentary in most instances tend towards a common view. Generally, CIC maintains its position but the mapping has identified divergences in opinion in the industry which need further debate to ensure a practical and robust outcome. The principal areas of differing views are:

- Bringing planning and building control closer together;
- Third Party References;
- Whole Building Certification; and
- Approved inspectors.

The following summary indicates where CIC wishes to amend its response to incorporate differing and additional views from their members:

Q. 3 - CIC commentary enhances the common 'yes' position and we agree with CIBSE's inclusion of water in the vision statement.

Proposal 1.1 - CIC are content with LABC's 'Further Comments'.

Q. 10 - CIC accepts that members are divided in their responses, but CIC's original response is consistent with our report and recommendations made to government, at their request, in 2003.

Q.13 - CIC acknowledge the comments of LABC and CIBSE that there has been a separate consultation to which responses have been made separately and we would add to CIC's comment that e-enabling would be improved 'if planning and BC were to become more seamless'.

Proposal 2.1 - CIC have no problem with the LABC Comment – which is sensible and should be added to the CIC response

Q.18 - CIC accepts that its members may have differing views about the name given to 'Approved Documents' but it is not a crucial item in the debate.

Q.19 - CIC are happy to agree with the LABC Comment, in addition to the original CIC response.

Proposal 2.3 - CIC accepts that views on this topic are varied and, with the exception of third party documentation, generally acceptable. The comment about inclusion of relevant excerpts to third party documentation (Q. 21) should be amended, due to the diversity of opinion amongst members, with the addition of the phrase ' , but the subject needs further examination.'

Q. 23 - CIC believe that members differing responses are complementary.

Q. 26 - CIC are content that the CIBSE comments be added to the original response.

Q. 27 - CIC does not believe it is practical to ask that third party documents should be held up while they are re-written in the same style and format as the ADs. Plain English we support of course and the peer review and other pre publication criteria would cover this.

CIC think the issue of exclusion of British Standards is an important one (and one that we recognise was picked up by more than one respondent) and believe that more emphasis should have been given to this point than in our original response.

Proposal 2.5 - CIC accepts that comments from its members to this proposal should be incorporated into the answer to Q. 27

Q. 30 - CIC does not think the Planning Portal should be renamed, but recognises that some CIC members have strong differing views

Q. 32 - CIC accept the separate LABC and CIBSE comments – they complement each other.

Q. 34 and Q. 35 - CIC note that LABC and BCA have said 'yes' but not provided explanations – whereas CIC said 'no', with comments to both questions. The additional comments identified under Q. 34 provide specific qualifications for the 'yes'. Given the extensive LABC and BCA comments under Proposal 3.2, CIC believe that statutory notification stages and the Service Plan do indeed need further debate, to ensure that all sectors of the industry, and the public, are best served by the final outcome.

Proposal 3.2 - CIC would welcome the opportunity of discussing the comments made by LABC and BCA as mentioned above, under Qs. 34 and 35.

Q. 36 - CIC agree with their members' alternative comments.

Q. 38 - CIC note that their members have made additional comments which CIC see as specific to their activities.

Q. 41 - CIC is content with the collective LABC/CIBSE comments which extend beyond CIC's original comment.

Q. 46 - CIC notes the differences in their members' responses, but believes that further discussion on this topic is inevitable before any decision can be made.

Proposal 4.1 - CIC notes their members' comments, which represent strong views on how building control practitioners see certification. CIC believe that this subject along with that of competent persons (in all their connotations) needs to be further debated by

the industry sectors and DCLG to produce a comprehensive and practical set of rules and solutions.

Q. 50 - CIC have analysed the divergence between CIC's and its members' comments and have concluded that it is impossible to express the view purely through 'yes' or 'no' which is why CIC's answer was heavily qualified. CIC acknowledges that its members views differ widely and believe that this is one of the areas where further debate is crucial before an acceptable solution can be proposed. While whole building certification may need clearer definition in terms of its meaning and who should carry it out, there are Parts of the Building Regulations which might be suitable for 'whole building compliance certification'. Currently, Building Control Bodies check compliance overall and Competent Persons schemes permit self-certification of very specific areas of work. What needs to be considered in the proposed debate is whether certain Parts of the Regulations e.g. Parts L and G, lend themselves to whole building certification by specialists operating as Competent Persons under an accreditation system, within a legal framework which goes beyond self-certification.

The whole point of CP schemes was to allow BCOs to concentrate on the acute areas where there is risk to health and safety and let specialists self-certify where possible.

Q. 68 - CIC accept the alternative comments from LABC and CIBSE - they are largely complementary

Qs. 71 to 74 - CIC as the designated body for the appointment of Approved Inspectors is clear that there are different views depending on whether members are involved in BCBs or AIs.

I trust these modifications are acceptable in the interests of providing a response that reflects the collective view of our members and enables further discussions prior to DCLG's final recommendations.

Yours sincerely

**Graham Watts**  
**Chief Executive**

