



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

10th June 2008

Dear Ms Higgins

The Future of Building Control: Consultation

The Home Builders Federation (HBF) is the trade association representing the interests of private house builders in England and Wales. Our members, who include all of the major homebuilders, are responsible for more than 80% of the new homes built every year.

We would therefore ask that CLG take account of the fact that the enclosed response to this consultation includes comments made by HBF members and is therefore representative of the views of numerous organisations not just one.

The HBF welcomes this timely consultation as it looks at issues that we have raised with government in the past in a structured and coherent way. We hope that our comments will be helpful in ensuring that Building Regulations are structured and simplified in such a manner that the weaknesses in the current system are addressed.

Yours sincerely

A handwritten signature in black ink, which appears to read 'D F Mitchell'. The signature is written in a cursive style with some loops and flourishes.

D F Mitchell
Technical Director

Annex B

RESPONSE FORM

The Future of Building Control : Consultation

Respondent Details:

Name: D F Mitchell	Please return by: 10 June 2008 to: Sustainable Buildings Division Communities and Local Government Floor 2, Zone H6, Eland House, Bressenden Place, London, SW1E 5DU Email: thefuture@communities.gsi.gov.uk Fax: 0207 944 5719
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Is your response confidential? If so please explain why. (See disclaimer on page 9)

Yes **No**

Comments:

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	<input type="checkbox"/>
		Individual	<input type="checkbox"/>
Commercial Developers	<input type="checkbox"/>	Local authority – other (please specify)	<input 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 house builder)	<input type="checkbox"/>	Householder	<input type="checkbox"/>
Builder – Small Builders (repairs/maintenance/extensions)	<input type="checkbox"/>	Trade body or association	<input checked="" type="checkbox"/>
Builder – Specialist Sub Contractor	<input type="checkbox"/>	Research/academic organisation	<input type="checkbox"/>

Manufacturer	<input type="checkbox"/>	Professional body or institution	<input 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"/>
Geographical Location			
England	<input type="checkbox"/>	Wales	<input type="checkbox"/>
England and Wales	<input checked="" type="checkbox"/>	Other (please specify)	<input type="checkbox"/>

Questions

Chapter 1: A Vision for Building Control

Proposal 1.1: Develop a shared vision for the future of Building Control

Q1. Do you agree that a vision for building control based on the boxed text in chapter 1 would be useful?

Yes No

Q2. Are the areas covered in the boxed text generally the right ones?

Yes No

Q3. Are there other areas a vision statement should cover?

Yes No

Q4. Is what we say about quality generally correct?

Yes No

Q5. Are there other issues under quality which we need to cover?

Yes No Don't Know

Comments:

It is important that perceptions of poor quality are put into context. There has been much publicity about the fact that some dwellings constructed to meet Part L 2002 were subsequently tested for air tightness and a number of them failed to meet the designed standards. However, since it was not a requirement to test at that point (it is now) it is difficult to use the absence of such testing as an argument that housing built at that time was of poor quality. It is worth mentioning that Part L is only one aspect of the Building Regulations and even those dwellings with poor air tightness nonetheless met the other 13 Parts of the Building Regulations. For some years now it has been the practice to issue Completion/ Final Certificates and it must be assumed that works that were issued with such Certificates were deemed to comply with the Regulations. It would be unwise to rely on anecdotal evidence to make assumptions about the quality of building in the UK.

Proposal 1.1: Further comments:

As we suggest in our letter there is an argument that the continual drive to improve standards is imposing enormous pressure on the existing service. In addition the Government's target of 3 million homes by 2016 (even without the rising standards to be imposed) will mean a significant increase in the pressure on Building Control. Do the existing operators have the capacity to increase their workload? What training is in place for surveyors in Building Control, either at universities or on the job? If the current service is seen as unable to enforce the current standards how will they be able to enforce the improved standards on 45% more homes by 2016?

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

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

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

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

Yes No

Comments:

The basement guide is extremely useful.

Proposal 1.2: Further comments:

While we agree that there is scope for procedural guidance tailored to the householder/amateur builder, there is clearly a divide in that companies building regularly are going to be aware of the regulations with which they need to comply whereas a single job client (be it DIY or small builder) may not. It is also likely that the standards/skills of a company may be higher than those of an individual and there needs to be recognition of the fact that appropriate advice for professionals may not be suitable for the amateur and vice versa. It is clear that the Building Control customer varies in attitude and expertise and this needs to be addressed. At the least we would argue that there are two sectors - the amateur and the professional. Do we need a set of minimum requirements e.g. for a domestic loft conversions? It seems likely that professionals are able to cope with the current ADs and do not need such detail. It is also difficult for an individual to determine how much of the ADs apply to his/her job when the guidance is comprehensive. However the recent division of Part L into two parts, while a praiseworthy attempt, was not as helpful as envisaged in that flats were not included in the domestic Part but were treated in L2. While this may have been helpful for a small builder who only does houses, it was of little benefit to any company building both flats and houses. We are particularly concerned that there appears to be a perception that Building Control is failing to enforce - is this about lack of resources rather than a failure of the existing system?

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

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

Yes No

Comments:

The term 'seamless' in Q10 is rather misleading. While it is desirable that planning authorities make it clear that there is other legislation beyond planning permission (and many do so) it is not clear how this can be translated into a 'seamless' service given that the private sector Building Control is operated totally separately from the public sector planning system. There is a worrying trend for planning authorities to impose conditions on planning permissions that relate to technical issues which should be dealt with by Building Control persons competent to make technical judgements - examples are aspects of drainage and energy performance which are covered by other legislation and are therefore not subject to planning legislation and cannot be enforced by it.

Most (all?) LAs operate planning and building control together as far as is possible. However, the two functions are distinct - planning is about whether something can be built while building Control is about how (and how safely) it is built. The reported use of Building Control officers to check that planning conditions are being complied with is causing confusion - while a Building Surveyor could confirm that a specified roof tile has been used a planning officer could not determine that it had been correctly nailed. And if the planning condition being checked relates to a technical issue, should it be a planning condition in the first place? Also if an LA chooses to use its Building Control officers to enforce planning this is a question of their use of resources and it has implications for the payment of planning/building control fees. And if the planning conditions are matters that will be covered by building Control are we paying twice for the same thing? If we are paying for conditions to be discharged where is this money being spent? (Is it worth noting that the Building Control service was originally provided free of charge on the grounds that public safety should be funded by the ratepayer?) There seems to be no mechanism for ensuring that Building Control fees are actually spent on providing the Building Control service - since LAs now set their own fees should these be 'ring-fenced'? There is also an issue round the 'competent' body as required by EU legislation.

We would suggest that much of the current confusion arises because the boundaries between planning and building control have been blurred, notably by those planning authorities who seek to impose additional restrictions on e.g. energy aspects, sewer connections, road layouts etc.

It is good that you recognise that there are problems but you do need to understand that the private sector now provides a significant Building Control function and it is not an option to have a single body offer both planning and building control functions as a

single entity. There is a difference between the two sets of legislation and it is important that this distinction be understood and accommodated. We would suggest that there needs to be a greater understanding that planning is only a stage in the development process and that other legislation must also be recognised. The solution is to keep the functions quite distinct so that there can be no confusion - if it is clear to the applicant that the planning permission allows him/her to build but all the technical aspects are then subject to Building Control this would go some way to alleviating the problem of when a (costly) planning permission with several pages of conditions is not the end of the process. This would carry the added benefit that the costs of running the planning system would be reduced allowing resources to be allocated to enforcing the building regulations now and in the future when the number of applications will be significantly higher than they are now. It would also mean that instead of vague site-wide conditions that cannot be confirmed as complicit or not each dwelling is known to comply with the building regulations.

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

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

Comments:

Many small builders do not/will not have adequate internet access. And even if they do they will not be able to submit CAD drawings (and generally to look at drawings on a small screen is impractical so they would still be printed off. Is the appeal of electronic access the perceived savings in photocopying costs? All organisations use their websites to provide information but it is already the case that there are insufficient hours in the day to access all this information online. There is no mention in this consultation of the LANTAC system. This is a way of reducing the number of paper drawings supplied. It is important to understand that an A1 plan cannot be adequately assessed on a laptop screen on site

Proposal 1.4: Further comments:

In spite of answering YES to Q12 we would comment that there is a worrying assumption, particularly prevalent in under-resourced public sector bodies that providing information/services electronically will improve their customer care. It must be remembered that if a builder needs help on a specific problem he/she will need to talk to somebody who understand and can advise - generic information on a website risks being too vague to be of much use.

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

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

Yes No

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

Proposal 2.1: Comments:

Although we have answered 'Yes' to the above questions, a better option would be to simplify the regulations into fewer parts first and then they could then be grouped together for review - this would help to avoid the conflict that has arisen in the past where one Part has been amended without consideration of another. We would also suggest that a longer period e.g. 5 years would ensure adequate consideration thus avoiding a repetition of the recent fiasco of the 2006 Part L amendment.

Proposal 2.2: Introduce a standstill period between reviews

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

Yes No

Proposal 2.2: Comments:

We would emphasise that **ALL** relevant documents including any associated software should be available in their final version for the 6 months preceding the implementation.

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

Structure, Services and Sustainability - you will have seen our presentations on this subject. We are a little concerned that the text of the consultation implies that this proposal has been misunderstood - the three sections do not represent a sequence - no developer will consider structural aspects first then services and sustainability issues subsequently - any development must include all these aspects (as they do now include all 13 Parts). The text also implies that the safety of a building should be less important than its thermal performance - this is obviously nonsense. We would be seriously concerned that anyone could seriously believe that Part L is the most important Part or that thermal performance could ever take precedence over health and safety issues.

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

Yes No

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

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

- Hard copies

Yes No

- Electronic copies

Yes No

Comment:

We access the documents online but we print off a hard copy. Most people will print off copies - they need to be easy to read online AND easy to print (some websites offer sophisticated hyperlinks but the documents cannot be seen in their entirety or

printed). Hyperlinks are useful if adequately maintained.

Proposal 2.3: Further comments:

There is some scope for clarification of the difference between the regulation and the guidance on how to achieve it. Also there needs to be a clear distinction between different forms of guidance.

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:

Small builders/householders not applying for Building Regulations approval either unaware of the necessity or assuming that their planning permissions authorises the works.

Proposal 2.4: Further comments:

Some LAs already produce helpful leaflets and if these could be consistent in their content across the country this would be helpful.

Proposal 2.5: Establish criteria for references to third party documents

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

Yes No

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:

It needs to be clear that the examples given are not the only route to compliance.

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

Comment:

No comment.

Proposal 2.5: Further comments:

Q25 is unclear - what is meant by third party documents? BS/EN or BBA certificates would automatically meet the criteria suggested in Q25. Such documentation may be a material consideration in litigation so there needs to be clarity about the status of any documents mentioned.

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

Q29. Do you use the planning portal?

Yes No

Q30. If yes, do you find it useful?

Comment:

No.

It is difficult to navigate and is badly organised. Documents were easier to find on the old ODPM website about three amendments ago. Should there be a dedicated Building Regulations site that links to/from the Planning Portal? This would reduce the confusion for professionals and public.

Proposal 2.6: Further comments:

If the Portal is to include legislation other than planning it needs to be clear what it does cover (the name is unhelpful) but it would be useful if this site could be found via various links from elsewhere. Alternatively there could be a single portal offering information on all the legislation relative to development (to include environmental legislation, links to EU Directives etc). At present it more or less covers planning aspects with Building Regulations as a subsidiary but much of the information is too superficial for the professional user but unclear for the amateur.

We are concerned about the assumptions in Paragraph 109: as the knowledge and skills required by the building surveyor are becoming more complex, it is imperative that these proposals are not seen as a way of avoiding addressing the shortage of skilled professionals in Building Control.

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

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

Comment: Structural and health and safety aspects.

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

Comment:

In terms of Building Control, none.

Proposal 3.1: Further comments:

If guidance is too specific it is dangerous and if too vague it is useless.

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

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

Yes No Don't Know

Proposal 3.2: Further comments:

We have not answered 'Yes' or 'No' to this question because the existing system does allow for risk assessment: it is the notification that is statutory not the inspection. If this applied to all BCBs it should allow them to decide whether to inspect or not, based on their assessment of the risk for that stage/developer/site.

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:

Our impression is that most LAs already issue certificates for any completed jobs even though they are not mandatory. Certainly even before the introduction of HIPS purchasers were seeking confirmation that Building Regulations had been complied with.

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 maybe.

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

Comment:

It would be difficult to specify a single inspection - start of works/completion/a random visit at some stage? Would the Building Surveyor be willing to issue a completion/final certificate on the basis of a single inspection? Perhaps if there were a self-certification process this could be feasible.

Proposal 3.3: Further comments:

Proposal 3.4: Limit Building Notices to minor works

Q39. Are we right to want to limit Building Notices?

Yes No

Q40. 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)?

Yes No

Q41. What might the unintended consequences be?

Comment:

If Building Surveyors are already struggling to cope with demand and demand rises as envisaged while they are also being asked to check more plans for works that would have been dealt with under a Building Notice how will they cope? This proposal has significant implications for resources which should not be "unforeseen".

Q42. Are there any areas we have not covered which in your view need to be considered?

Comment:

Removal of chimney breasts has structural consequences probably greater than a garage conversion - does the BN need revision to require additional documentation rather than being seen as a short cut? Also many inexperienced applicants gain the impression that the form is giving notice of works starting rather than being an application.

Proposal 3.4: Further comments:

We query the statement in Paragraph 149. It was a recent amendment to specify that a Building Notice could be submitted after works to remedy a dangerous structure - do we know how often this happens?

Proposal 3.5: Allow Local Authorities to issue Stop Notices

Q43. Do you agree stop notices would be of benefit to local authorities in enforcing

the building regulations?

Yes No Don't Know

Q44. In what circumstance might they most usefully be applied and what are the perceived difficulties?

Comment:

Where an application has not been made or where a fee has not been paid - this latter is often problematic where inspections must still be carried out on a Building Notice yet the fee is not paid and then a subsequent purchaser wants a certificate.

Proposal 3.5: Further comments:

None.

Proposal 3.6: Allow Local Authorities to issue fixed monetary penalties

Q45. Do you agree the threat of a Fixed Monetary Penalty could act as a useful deterrent to breaches of the regulations?

Yes No

Q46. If the power to issue fines existed how might local authorities most appropriately apply them? What criteria should we consider using?

Comment:

The fines would have to be high to act as a deterrent and it is difficult to see how breaches could be identified as a deliberate flouting of regulations rather than a mistake e.g. many householder would not be aware that removal of a chimney breast required a Building Regulations approval (and again many would be under the impression that a planning permission was all they needed for an extension). There is a danger that such fines could be viewed as a revenue stream like parking fees.

Proposal 3.6: Further comments:

This question is not relevant to our members who would be complying.

Proposal 3.7: Extending time for prosecution

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:

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

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:

Proposal 4.1: Further comments:

There needs to be greater self-certification for different aspects not of the whole building. This would, if properly administered, help to address the shortage of qualified personnel.

Proposal 4.2: Investigate the case for other forms of Certification

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

Yes No

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:

There are various options for self-certification or third party certification and a decision needs to be taken on how far to go down each route. The robust details option for Part E has been extremely successful and this could be extended to other elements. As well as consideration of self-certifying options for large developers perhaps along the lines of CDM coordinators?

Q52. If yes, in what areas?

Comment:

Structure/fire/drainage/airtightness

Proposal 4.2: Further comments:

There is considerable scope for certification of parts of projects; virtually anything

structural could be dealt with this way.

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

- Promote Good Practice?

Yes No

Comment:

We would be concerned about the creation of yet another role.

Proposal 4.4: Extension of the Pattern Book approach

Q54. Should the pattern book approach be extended?

Yes No

Q55. What areas do you think the pattern book approach could cover?

Comment:

Any aspect of structure, drainage, key structural jointing, thermal bridging, airtightness, SAP. Small building works eg small extensions

Q56. Do you agree that a pattern book scheme could be developed to cover air-tightness testing and accredited details for Part L in dwellings?

Yes No Don't Know

Comment:

We suggested this before the latest amendment.

Proposal 4.5: A Fast Track Dispute Resolution Service and Modernised System of Appeal

Q57. Do you agree a voluntary industry led dispute resolution scheme, with independent panel members, would be beneficial to users of the building control system?

Yes No

Q58. Have you had a technical dispute in the last year which you would have taken to this scheme had it existed?

<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>Q59. What would deter you from using such a scheme?</p> <p>Comment:</p> <p>N/A</p>
<p>Q60. Do you agree that the current statutory determination and appeal procedures are in need of reform?</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>Q61. (LAs only) How many formal relaxation or dispensation applications have you received in the last three years and how many of these have you consented to?</p> <p>Comment:</p>
<p>Q62. 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?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know <input type="checkbox"/></p>
<p>Q63. Do you consider that continued recourse to the Secretary of State to resolve disputes where necessary is beneficial?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know <input type="checkbox"/></p>
<p>Q64. 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> <ul style="list-style-type: none"> • Secretary of State? <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <ul style="list-style-type: none"> • Other options? <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>Q65. If you support the other options, do you have a preference as to which option you support, and why?</p> <p>Comment:</p> <p>N/A</p>
<p>Q66. Do you have any other proposals on how best to resolve building control disputes?</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>

Comment:

Proposal 4.5: Further comments:

The key is access to dispute resolution that is qualified, independent and efficient.

Chapter 5: Improved Performance and Capacity

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

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

Comment:

There should be consistency across both private and public sectors.

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:

As long as sufficient funding were available - we would not want to see peer reviews taking staff away from their other duties.

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

Q71. How might they be improved?

Comment:***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:

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

- Remove the need for a signature on the insurance certificate

Yes No

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

Yes No

- Clarification of the regulation 10 requirement

Yes No

- Removal of some stages of statutory approvals

Yes No

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

Yes No

Comment:

If the two sectors (public and private) are competing they should be following the same rules. What evidence is available on how LAs set their budgets for BC? Do the fees cover enforcement costs?

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 is anecdotal - there is a perception that many of the fees paid to LAs are spent on other areas because they are neither cost-based nor ring-fenced. In the case of Building Control it is not clear if the fees are set to include costs of possible enforcement action/dangerous structures or other services. There should be consistency of fee-setting across both sectors.

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

Yes No

Comment:

LAs do need flexibility to be competitive. Most if not all LAs now have websites on which most if not all publish their fees. The key issue is what the monies are funding - we would not welcome any increase in fees or alternative reasons for charging more money. The current system offers certainty.

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

Any other comments:

HBF has long argued that the Building Regulations need to be simplified, that amendments should be undertaken in a structured and timely manner and that there is scope for greater self-certification. We are extremely concerned that the existing BC system will be unable to cope with the anticipated increase in housing desired by the Government. A further concern is the extent to which the Code for Sustainable Homes is being used by various bodies, including many planning authorities to try and impose higher technical standards. We particularly wish to see consistent technical standards across the country and view with disquiet the increasing variations between the different nations of the UK. The use of different standards by different local planning authorities will inevitably increase the pressures on building control and are likely to make the system less reliable and effective given the other challenges mentioned in this submission.

We would suggest that as the energy element in the Code will become subsumed into Building Regulations in 2010, 2013 and 2016 and as waste management and water issues are already being addressed (albeit not in Building Regulations) the Code for Sustainable Homes is actually superfluous in terms of improving building performance and merely adds bureaucracy and confusion at a time when we are hoping to increase the amount of housing that we build. We would expect that the planned simplification of Building Regulations would reduce the duplication and conflict that exists at present and lead to a drastic reduction in the continuing proliferation of additional guidance/codes/specification that causes so much confusion and error.

We would reiterate that the best way to ensure a 'seamless' relationship between planning and building control is to separate the technical aspects that relate to Building Regulations quite clearly from the planning legislation. This would ensure that the appropriate skills were applied to the appropriate aspects of the development process and would prevent the further politicisation of house building.

Generally we are pleased that this consultation does attempt to address some of the issues that we have raised with government in the past and does so in a structured and coherent way. We hope that our comments, representing as they do the views of our member companies, will be helpful in ensuring that Building Control can indeed be a force for good in the 21st century