

# Annex A

## Response form

### Section four: The building control system

We are seeking your views on the following questions on the Government's proposed changes the Building Regulations and the building control system.

If possible, please could you respond by email to:

[building.regulations@communities.gsi.gov.uk](mailto:building.regulations@communities.gsi.gov.uk)

Alternatively, responses can be sent by post to:

Building Regulations Consultation  
Building Regulations and Standards Division  
Department for Communities and Local Government  
Zone 5/G9  
Eland House  
Bressenden Place  
London SW1E 5DU

## About you:

### (i) Your details

Name:	D.F.Mitchell
Position:	Technical Director
Name of organisation (if applicable):	Home Builders Federation
Address:	7-9 St. James Street, London, SW1A 1EE
Email:	dave.mitchell@hbf.co.uk
Telephone number:	020 7960 1600

### (ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

Organisational response ☒ Personal views ☐

### (iii) Are your views expressed on this consultation in connection with your membership or support of any group? If yes, please state name of group:

Yes ☐ No ☒

Name of group:

--

(iv) Please tick the *one* box which best describes you or your organisation:

Builders/Developers:	Property Management:
<div>Builder – Main contractor <input type="checkbox"/></div> <div>Builder – Small builder <input type="checkbox"/></div> <div>(extensions/repairs/maintenance, etc)</div> <div>Installer/specialist sub-contractor <input type="checkbox"/></div> <div>Commercial developer <input type="checkbox"/></div> <div>House builder <input type="checkbox"/></div>	<div>Housing association <input type="checkbox"/></div> <div>(registered social landlord)</div> <div>Residential landlord, private sector <input type="checkbox"/></div> <div>Commercial <input type="checkbox"/></div> <div>Public sector <input type="checkbox"/></div>
<b>Building Occupier:</b>  <div>Homeowner <input type="checkbox"/></div> <div>Tenant (residential) <input type="checkbox"/></div> <div>Commercial building <input type="checkbox"/></div>	<b>Building Control Bodies:</b>  <div>Local authority building control <input type="checkbox"/></div> <div>Approved Inspector <input type="checkbox"/></div>
<b>Designers/Engineers/Surveyors:</b>  <div>Architect <input type="checkbox"/></div> <div>Civil/Structural engineer <input type="checkbox"/></div> <div>Building services engineer <input type="checkbox"/></div> <div>Surveyor <input type="checkbox"/></div>	<b>Specific Interest:</b>  <div>Competent person scheme operator <input type="checkbox"/></div> <div>National representative or trade body <input checked="" type="checkbox"/></div> <div>Professional body or institution <input type="checkbox"/></div> <div>Research/academic organisation <input type="checkbox"/></div> <div><b>Energy Sector</b> <input type="checkbox"/></div> <div><b>Fire and Rescue Authority</b> <input type="checkbox"/></div>
<b>Manufacturer/Supply Chain</b> <input type="checkbox"/>	<div><b>Other</b> (please specify) <input type="checkbox"/></div> <div></div>

(v) **Please tick the *one* box which best describes the size of your or your organisation's business?**

Micro – typically 0 to 9 full-time or equivalent employees (incl. sole traders) ☐

Small – typically 10 to 49 full-time or equivalent employees ☒

Medium – typically 50 to 249 full-time or equivalent employees ☐

Large – typically 250+ full-time or equivalent employees ☐

None of the above (please specify) ☐

(vi) **Are you or your organisation a member of a competent person scheme?**

Yes ☐ No ☒

Name of scheme:

(vii) **Would you be happy for us to contact you again in relation to this consultation?**

Yes ☒ No ☐

DCLG will process any personal information that you provide us with in accordance with the data protection principles in the Data Protection Act 1998. In particular, we shall protect all responses containing personal information by means of all appropriate technical security measures and ensure that they are only accessible to those with an operational need to see them. You should, however, be aware that as a public body, the Department is subject to the requirements of the Freedom of Information Act 2000, and may receive requests for all responses to this consultation. If such requests are received we shall take all steps to anonymise responses that we disclose, by stripping them of the specifically personal data – name and email address – you supply in responding to this consultation. If, however, you consider that any of the responses that you provide to this survey would be likely to identify you irrespective of the removal of your overt personal data, then we should be grateful if you would indicate that, and the likely reasons, in your response, for example in the relevant comments box.

## Questions:

### <sup>1</sup>Chapter 2: Improving local authority building control processes

- 2.1 Do you support the proposal to require local authorities to issue a completion certificate in all cases where the building work complies and within a specified time period from notification of completion?

Yes ☒ No ☐ Don't know ☐

Please give your reasons:

- 2.2 Do you support amending the wording on completion certificates, Approved Inspector final certificates and competent person building regulations compliance certificates to reflect more clearly the force of these certificates?

Yes ☒ No ☐ Don't know ☐

Please give your reasons:

- 2.3 Do you support the replacement of most of the statutory notification stages by a "service plan" agreed between the local authority and the person carrying out the building work on a risk assessed basis?

Yes ☒ No ☐ Don't know ☐

Please give your reasons:

---

<sup>1</sup> Chapter numbers correspond to those in Section four of the consultation.

## Chapter 3: Improving private sector Approved Inspector arrangements, including removing the Warranty Link Rule

3.1 Do you support the three proposed changes to the Approved Inspector Regulations indicated in paragraph 48 of the consultation document?

Yes ☒ No ☐ Don't know ☐

Please give your reasons:

3.2 Do you support the removal of the Warranty Link Rule?

Yes ☒ No ☐ Don't know ☐

Please give your reasons:

## Chapter 4: Strengthening enforcement

4.1 Do you support the proposed extension to the time limit for bringing a prosecution under sections 35 and 35A of the Building Act 1984 from two to three years (and from six months to one year from the time that sufficient evidence is available)?

Yes ☒ No ☐ Don't know ☐

Please give your reasons:

4.2 Do you agree that the fine level for prosecution under sections 35 and 35A should be increased?

Yes ☒ No ☐ Don't know ☐

Please give your reasons:

4.3 Do you support the proposed extension to the time limit for issuing a notice to rectify non-compliant building work under section 36 of the Building Act 1984 from one year to three years?

Yes ☒ No ☐ Don't know ☐

Please give your reasons:

4.4 Do you support the adoption for building control of any or all of the civil sanctions available under the Regulatory and Enforcement Sanctions Act 2008?

Yes ☒ No ☐ Don't know ☐

Please give your reasons:

4.5 If you support the proposal, please indicate which of the following sanctions you consider should be adopted:

Fixed monetary penalty	<input type="checkbox"/>	Variable monetary penalty	<input type="checkbox"/>
Compliance notice	<input checked="" type="checkbox"/>	Restoration notice	<input checked="" type="checkbox"/>
Stop notice	<input type="checkbox"/>	Enforcement undertaking	<input type="checkbox"/>

4.6 If you support the proposal, please indicate which sanction you consider would be appropriate for the types of breaches of the Building Regulations referred to below, and where applicable the suggested penalty:

Fixed Monetary Penalty:

Procedural<sup>2</sup> ☐ Penalty

Minor Technical<sup>3</sup> ☐ Penalty

Serious Technical<sup>4</sup> ☐ Penalty

Variable Monetary Penalty:

Procedural ☐ Penalty

Minor Technical ☐ Penalty

Serious Technical ☐ Penalty

Compliance notice:

Procedural ☐ Minor Technical ☐ Serious Technical ☐

Restoration notice:

Procedural ☐ Minor Technical ☐ Serious Technical ☐

Enforcement undertaking:

Procedural ☐ Minor Technical ☐ Serious Technical ☐

---

<sup>2</sup> A breach that is considered by a building control body to be a procedural breach of the requirements of the Building Regulations. For example, it has been suggested that this could be failure to provide the required fire safety information to the building owner or failure to notify completion of work.

<sup>3</sup> A breach considered by a building control body to be a minor technical breach of the requirements of the Building Regulations. For example, it has been suggested that this could be failure to commission a heating or hot water system, failure to lag pipes under floor boards or failure to provide adequate manifestation on glass panels.

<sup>4</sup> A breach considered by a building control body to be a major breach of the technical requirements of the Building Regulations. For example, it has been suggested that where failure to comply presents a serious risk to health and safety or to conservation of fuel and power, this could be failure to provide an appropriate means of escape in case of fire, failure to provide for the structural stability of a building or failure to insulate the external walls of a new building.



- 4.7 Should the Building Act 1984 be amended to allow Approved Inspectors to refer non-compliant building work to the local authority for purposes of the issue of a civil sanction?

Yes ☐ No ☒ Don't know ☐

Please give your reasons:

## Chapter 5: Extending the competent person self-certification schemes framework and introducing specialist third party certification schemes

- 5.1 Do you support an extension of the current competent person self-certification schemes framework to cover further types of building work?

Yes ☒ No ☐ Don't know ☐

Please give your reasons:

- 5.2 If you support the proposal, which further types of work do you consider would be appropriate for self certification, and why?

- 5.3 Do you support the introduction of specialist third party certification schemes into the Building Regulations, as an aid to building control bodies?

Yes ☐ No ☐ Don't know ☒

Please give your reasons:

- 5.4 If you support the proposal, which types of building work do you consider would benefit from specialist third party certification and why?

## Chapter 6: Introducing Appointed Persons

- 6.1 Do you support the introduction of Appointed Persons on a voluntary basis?

Yes ☐ No ☐ Don't know ☒

Please give your reasons:

- 6.2 If you support the proposal, what do you think are the appropriate qualifications/competencies needed for someone carrying out the role of an Appointed Person?

- 6.3 If you support the proposal, what powers and responsibilities do you think an Appointed Person should be given?

## Chapter 8: Impact Assessment on Section four proposals – the building control system

8.1 Do you consider that the Impact Assessment on the proposed changes to the building control system fairly represents the relevant impacts and the types and levels (where included) of the costs and benefits that would arise from the five proposals to:

(i) improve local authority building control processes;

Yes ☐ No ☐ Don't know ☒

Comments:

(ii) improve private sector Approved Inspector arrangements, including removing the Warranty Link Rule;

Yes ☐ No ☐ Don't know ☒

Comments:

(iii) strengthen enforcement;

Yes ☐ No ☐ Don't know ☒

Comments:

- (iv) extend the competent person self-certification schemes framework and introduce specialist third party certification schemes;

Yes ☐ No ☐ Don't know ☒

Comments:

- (v) introduce Appointed Persons?

Yes ☐ No ☐ Don't know ☒

Comments:

For each of the above proposals:

If you have answered yes, please comment and provide any information or evidence you have in the relevant box.

If not, please comment on the issues you consider should be (or should not be) included and provide any information or evidence you have in the relevant box.

## Any other comments

If you have any other comments or suggestions on possible changes to the building control system, please include them here:

Comments: