

Overview and Scrutiny Committee			
Report Title	Response to Overview and Scrutiny Committee, Method of Assessment of applications under Building Regulations and Review of the regulatory system by Dame Judith Hackitt	Item No	4
Contributors	Executive Director for Resources & Regeneration		
Class	Part 1	Date	22 January 2018

1. Purpose of paper:

- 1.1. This cover report outlines how applications under the building regulations system are assessed at present and the likely changes following the Grenfell disaster.

2. Recommendations:

- 2.1. It is recommended that the Overview and Scrutiny Committee note the report.

3. Council responsibilities as part of building control

- 3.1. It is the responsibility of the developer, in conjunction with their chosen Building Control Body (local authority or Approved Inspector), to demonstrate that the building regulations have been satisfied.
- 3.2. Regulations cover a wide variety of items within the building such as the structural and fire safety, energy efficiency, drainage, accessibility, ventilation, amongst other things.
- 3.3. Due to the highly complex nature of developments, there is no standardised 'checklist' of building control activities. However, Officers have set out below the stages, and procedure, the Council's Building Control service follow when providing Building Regulations approval on a development/building.
- 3.5 Plans are submitted to the Building Control Body detailing, amongst other things, foundations and drainage proposals, materials for external and internal finishes, elevations, cross-sections. A Building Control Surveyor will check the plans thoroughly, liaising with the developer/contractor until they are satisfied the plans propose a compliant development. Surveyors ensure that the plans meet all relevant technical requirements of the regulations. The plans are then passed or passed subject to certain conditions.

- 3.6 Officers will undertake site visits at various stages through development. Inspections are based on risk assessments. Normally, there would be intensive inspections in early and final stages. In the early stages, foundations and drainage below ground would be targeted. Essentially the inspections would focus on critical elements that would be covered up during construction. In the final stages, the focus would be on items such as fire safety, above ground drainage, etc. These inspections are limited in that surveyors are not always able to inspect every aspect of a building's construction. Periodic inspections would pick up issues of non-compliance which are then addressed through the construction process, rather than at the end. The developer is responsible for demonstrating compliance with the regulations. Building Control Body is there to verify compliance as far as it is practicable.
- 3.7 Following practical completion of the development the Council will usually approve the development. In the case of new build, there are a number of certificates that are required from an accredited testing body before the work is finally signed off. These certificates relate to items such as gas and electrical safety, energy efficiency, acoustic performance, etc. Once a Completion Certificate is issued the Building Control involvement ends, unless or until further changes are made to the building which require approval under Building Regulations.
- 3.8 Approvals under Building Regulations can be issued by the local authority or an Approved Inspector (private sector 'for profit' providers of Building Control that operate in direct competition with local authority Building Control teams). When a developer chooses to work with an Approved Inspector, local authorities do not have any powers to intervene or enforce the regulations unless the projects is returned to the local authority by the Approved Inspector.
- 3.9 Where building work is being undertaken within existing buildings the person carrying out the work has a responsibility to demonstrate that both the building work complies with the requirements of the building regulations and that these works do not make any other parts of the existing building any worse in terms of compliance.

4. Technical Guidance under Building Regulations.

- 4.1 The requirements under the Building Regulations are functional. For example, in the case of structural safety, the requirement would read like all the loads shall be transmitted safely to the ground. It is up to the developer to demonstrate how the requirement is met. In the case of large and complex buildings, many innovative solutions are often presented to the Building

Control Body (BCB). The BCB would then apply their technical skills to assess the proposals and where necessary seek independent expert help to satisfy themselves that the proposals meet the relevant requirements of the regulations.

- 4.2 The government has prepared a set of technical guidance to provide some common solutions to common situations. These are called Approved Documents and they have been in use since 1985.
- 4.3 A suite of Approved Documents cover each part of the technical requirement. These are normally used by the small and medium size developers who work on simple projects.
- 4.4 There are no requirements to follow the guidance in the Approved Documents. But, there is wide spread misunderstanding of the status of these documents. Many refer to these as the regulations which is definitely not the case.
- 4.5 The contents of the documents are revised periodically to reflect the new methods of construction and innovations. They are also reviewed if significant failings are identified. For example, acoustic testing was introduced as a requirement following consistent failures in new build flats prior to year 2000.

5 Review of Building Regulations and Fire Safety

- 5.1 An independent review of the building regulations was commissioned by the government following the Grenfell Disaster. Dame Judith Hackitt was appointed to carry out the review. An Interim Report was published in December 2017.
- 5.2 The key message from Dame Judith with respect to high rise buildings was that *“the current regulatory system for ensuring fire safety in high-rise and complex buildings is not fit for purpose”*.
 - Current regulations and guidance are too complex and unclear. This can lead to confusion and misinterpretation in their application to high-rise and complex buildings.
 - Clarity of roles and responsibilities is poor.
 - The competency of key people throughout the system is inadequate.
 - Compliance, enforcement and sanctions processes are too weak.
 - The system of product testing, marketing and quality assurance is not clear.

- The route for residents to escalate concerns is unclear and inadequate.

- 6.3 Dame Judith expresses her shock at practices and even the culture of the building industry. She refers to ‘the mind-set of doing things as cheaply as possible and passing on responsibility for problems and shortcomings.’ We’d add to this the pressures of competition coming in from all directions, not just in building control, but also in the way manufactures use test and certification as a marketing advantage. It’s an indictment of the current system that building control surveyors may not know what is being delivered on site, when, by which supplier, or even how to identify it.
- 6.4 We recommend that the Council supports the initial findings of the report. Council is willing to work with the government and the industry to develop appropriate and meaningful guidance to meet the functional requirements of the regulations.

7. Financial Implications

- 7.1 There are no financial implications arising directly from this report.

8. Legal Implications

- 8.1 There are no legal implications arising directly from this report.

9. Equalities implications

- 9.1 There are no equalities implications arising directly from this report.

10. Crime and Disorder implications

- 10.1 There are no crime and disorder implications arising directly from this report.

11. Environmental implications

- 11.1 There are no environmental implications arising directly from this report.

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