

Building Control A Time of Change



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IBCI

- Established in 1990
- Only body dedicated to representing the interests of persons actively engaged in the day-to-day operation of Building Control in Ireland
- IBCI are well placed to comment on
 - the existing system, and/or
 - any proposals to change or replace it

IBCI

- It is Council's opinion that now is the time to change Building Control in Ireland
- IBCI has consistently pointed out that the current building control system
 - is unable to secure widespread compliance, and
 - has failed to achieve the primary goal of the legislation, i.e., protecting our consumers as the owners and users of the buildings they occupy and visit
- A comprehensive review is needed to identify the necessary components of an effective and efficient Building Control system capable of achieving the aims of the Building Control Act

Purpose of Building Control

- Securing the health, safety and welfare of persons in and about buildings and persons who may be affected by buildings or by matters connected with buildings
- Making provision for the special needs of disabled people
- Making provision for the conservation of fuel and energy
- Making provision for securing in relation to buildings the efficient use of resources

Purpose of Building Control

- Making provision for the encouragement of good building practice
- *Securing compliance with the European Communities (Construction Products) Regulations 1992*
- *Securing the safe erection of temporary structures in connection with Licensed and/or Unlicensed Events*

Stakeholders

- Each stakeholder has a different role, level of knowledge and involvement in the building process
 - The general public
 - Owners/Occupiers of a building
 - Designers
 - Builders
 - Building Control Authorities
 - Building Control Authority personnel
 - Relevant professional bodies
 - Legal System
 - DEHLG

Existing system Strengths

- Building Regulations and TGD's
- Approval system in Fire Safety area seems to be working reasonably well
- Fire Prevention appears to be adequately resourced to deal with Fire Safety Certificate applications
- Impartiality of LA Building Control staff
- Specialist knowledge and experience has been gained over the years
- Limited number of experienced LA Building Control personnel are still available

Existing system Weaknesses (1)

- Legislation makes enforcement difficult
- No effective sanctions for incompetent designers, builders and/or certifiers
- It is neither an effective Quality Control System nor a Quality Assurance System
- Not customer based as it does not provide appropriate consumer protection
- Reliance on “Opinions of Compliance” that are often issued after superficial inspection and/or inadequate supervision of works
- Poor emphasis of the importance of BC in comparison to, say, the Planning process

Existing system Weaknesses (2)

- Increased construction activity has proceeded largely unregulated as numbers of LA Building Control staff continue to decline
- The system is responsive at best and virtually non-existent at worst
- LA Building Control suffers from a lack of credibility
- Responsibility for Building Control is vested in different departments in each LA
- Separation of Part B: Fire Safety from the other parts of the Building Regulations can lead to conflict and inconsistency in approach

Opportunities

- Review of the primary legislation presents an opportunity for radical change
- Virtually all stakeholders agree that change is required to strengthen and improve the system
- Ireland is in a strong economic position and can afford a credible BC system
- Consumer confidence could be regenerated through an improved BC system
- Opportunity now to standardise the Building Control structure in each Local Authority

Threats

- If not properly structured and resourced, the credibility of BC will be further undermined
- Removal of independent and impartial BC system will lead to a reduction in consumer protection
- Inadequate implementation of Building Control:
 - Will not provide for the Health, Safety and Welfare of persons in or about buildings
 - Will not protect investment in the construction industry currently running at an unprecedented level of 20% of GDP
 - Will not help secure the long-term sustainability of the built environment

Case for Approval System

- The IBCI Council believes that the only system that can deliver widespread compliance with Building Regulations is a mandatory Local Authority plan approval and inspection regime
- A proper analysis of the resources needed to put such a system in place should be carried out

BC Enforcement

- IBCI believe that effective BC enforcement requires a uniform national structure at LA level
 - Properly resourced
 - Ring fencing of CN and FSC fees for BC
 - BCA to receive Court awards
 - Independent BC Section in each LA
 - Should deal with all 12 parts
 - Structure reflecting local demographics, size of LA, etc. (urban/rural authorities)

Self-certification (1)

- Opinions of “substantial” compliance have inherent weaknesses
- Professional Indemnity Insurance for certifiers is critical to protect consumers
- Dwellings and other small works need to be included
- A system of effective sanctions would be required
- Self-certification alone is unlikely to deliver widespread compliance

Self-certification (2)

- Statutory LA monitoring of a minimum of 25% of works
- Design drawings, Specifications, Design Certificate and Completion Certificate should be lodged with BCA
- Qualifications of Designers and/or Certifiers is important
- Negligent professionals should not be protected from legal action
- Training to ensure that Designers, Certifiers and LA Staff understand obligations

Registration

- Certifiers should be professionally qualified persons (Qualifications)
- Only competent builders should be allowed to certify works (Competence)
- A statutory independent system of registration should be set up for:
 - Designers
 - Certifiers
 - Builders
- Sanctions required for malpractice

Key Issues for IBCI

- Existing BC system has failed to deliver widespread compliance
- Full and proper analysis of BC is needed
- IBCI Council believe that the only system that can deliver widespread compliance is one of mandatory LA plan approval and inspections
- A properly resourced uniform national LA BC structure is essential
- Certification systems would still require LA monitoring and enforcement (minimum 25%)
- Independent statutory registration system is required for designers, builders and certifiers