BUILDING CONTROL
ACEI, IEI, RIAI & SCS Report

- Starting with the view of ACEI/IEI, RIAI and SCS
- Building Control – Strengthening the system
- Invisibility
- Inspection and compliance
- What has changed since 2004
- Options and ways forward
A disclaimer
The object of this report is to examine the current state of enforcement of the Building Regulations, and the role of mandatory self-certification in developing and maintaining more effective enforcement of the Building Regulations.

The report has been prepared by a Working Party of the ACEI (The Association of Consulting Engineers of Ireland), IEI (The Institution of Engineers of Ireland), RIAI (Royal Institute of the Architects of Ireland), and SCS (Society of Chartered Surveyors of Ireland).
The report should **not** be viewed as a definitive or fixed position on the part of the four Professional Bodies, but is intended as a Discussion Document outlining the key elements in a self-certification system.

If these principles are broadly acceptable, then there would be a need for discussion and dialogue to develop the details of a mandatory self-certification process.
The present Opinions on Compliance system has delivered a reasonable, level of compliance where responsible clients and professionals are concerned.

“Shopping Around”. 

The reality is that a person with no knowledge or interest in the Regulations, who wishes to evade the system can do so, with all the potential consequences for building standards, safety, and consumer protection. When this is combined with a person prepared to issue an Opinion on Compliance for such buildings, then the limitations of the present system are obvious.

50%
It is unlikely that the level of resources necessary for a full scale approval system covering the design and construction of every building, and involving multi-stage inspections, are or would be available.
Delivering a system which provides for the proper enforcement of the Building Regulations requires moving to a system of mandatory self-certification, based on a strengthened opinion on compliance system, as proposed in this submission.
Effective self-certification requires the consideration of a range of mechanisms to provide a statutory basis for the system, with effective mechanisms and sanctions to minimise the risk of evasion.

- An effective random inspection regime is essential.
- The tax audit example.
Sanctions will also be required for careless, incompetent, negligent and fraudulent certification.
Competence and accountability of certifiers, sanctions, and independent oversight would best be achieved through the registration systems envisaged in the Building Control Bill, and the existing 1969 Engineers Act.
There would be a need to evaluate, in consultation with lawyers and insurers, the impact of a self-certification on civil liability and, consequently, on Professional Indemnity (PI) Insurance premia.
Mandatory self-certification would deliver

- Credible building control enforcement
- Minimum building standards assurance
- Consumer protection
- Level playing field in the market place for compliant designers, builders and construction product/system manufactures as against the less responsible and non-compliant
- Greater assurance of compliance with public safety requirements
- Effective use of Government resources
BUILDING CONTROL
Invisibility

Consultation Paper C/2006/2

Draft OGPCE Guidance
on the Governance of
Apartment Owners' Management Companies

12 December 2006
BUILDING CONTROL
Invisibility
BUILDING CONTROL

Invisibility

- “Architects Completions Certificate”
- Building Regulations—
- “Complete as per the Planning Permission”
- Directors should ensure a fire safety survey is conducted
- Fire safety certificates—
When did you last see your father?
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An Architects View

INSPECTION & COMPLIANCE

- 12/15% Inspection target
- Seems confined to roads and drains
- UK National Health Service example
- What is an inspection?
- The reality of compliance (85%)
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An Architects View

WHAT HAS CHANGED SINCE 2004?

- Building Control Act
- Increased level complexity
- New constructions methods
- Part L
- BER
- Sustainable Residential Development in Urban Areas
- Energy, climate change, sustainability
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An Architects View

WHAT HAS CHANGED SINCE 2004?

- Building Control Act 2007
  - Retrospective fire certs
  - Access certs
  - Revised fire certs
  - Revised access certs
  - Open, occupy or operate?
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An Architects View

OPTIONS AND WAYS FORWARD

- Do nothing
- Full lodgement, approval and inspection system
- More inspections
- Mandatory self-certification
RIAI believes consumers are entitled to compliance with the Building Regulations
RIAI believes National interest demands compliance with energy requirements
Present system not delivering
New demands
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An Architects View

- Electronic lodgement of drawings showing compliance with Building Regulations with commencement notice
- Building Control retains electronic files
- Used as basis in progress or completion inspections
- Builders/developers discouraged from divergence
- Consumers should have access to files
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An Architects View

MANDATORY SELF-CERTIFICATION

- Milestone inspections essential
- Engineers certs for footings
- Opinion on compliance based on milestone inspections at key stages
- Opinions/certification from contractors, specialists, suppliers, testers etc
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An Architects View

MANDATORY SELF-CERTIFICATION
THE PROBLEM

An Apartment Opinion on Compliance
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An Architects View

MANDATORY SELF-CERTIFICATION

- Part L compliance testing for each apartment or house
- 1 in 10 not enough
- Opinions not currently provided for completed development and common areas
- Opinions on completion needed
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An Architects View

MANDATORY SELF-CERTIFICATION ESSENTIALS

- Must be effective random monitoring (tax compliance)
- Building Regulation Compliance drawings to be lodged with Building Control
- Milestone inspections
- Opinion on Compliance lodged with Building Control
- Opinion by the architects/engineers responsible for the design compliance and the completed building
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An Architects View

MANDATORY SELF-CERTIFICATION
HOW?

Building control Act 1990:
- Provides for self-certification

Minister has extensive powers to decide on:
- Who shall certify
- Form of certificates
- Class of buildings to which certs should apply
- Provision for certificates to be held by the LA
BUILDING CONTROL – AN ARCHITECTS VIEW
An Architects View

SUMMARY

- ACEI, IEI (EI), RIAI and SCS
- Some views from an architect
- Not official RIAI policy but work in progress
- Limited compliance – new demands
- Consumers deserve compliance
- Climate change demands compliance