Building Control Management System (BCMS) & Guidelines for Building Control Officers Driving a Culture of Compliance for Building in Ireland

Local Government Programme Management Office

2015 IBCI Conference 25th March 2015

Mairéad Phelan, BCMS Project Manager
BCMS
Driving a Culture of Compliance for Building in Ireland

Background

BCMS Project

Legislation

BCMS & Building Control Authorities Role CN→CCC

BCMS Current Status

BCMS Where to next
Background – e-government [www.localgov.ie]

2007-12
- manifestation of defects from building boom, Pyrite, Priory Hall etc..

2013
- March - S.I. No. 80 of 2013
- May stakeholder discussions & Business Case
- July Brief DECLG
- August - ICT Sub-Committee approval – (nppr.ie & existing government portal)
- September - Tender preparation – backend/front end open – source
- December - tender assessment and approvals

2014
- January - development for Registration/CN completion/Document Upload/Payment
- March 1st 2014 - Live registration & CN with supporting documentation
- June 7D notice
- September - CN without supporting documentation
- October CCC upload back-end not fully electronic
- November - streamlining and review process
- December - preparation of European e-tender for full service integration

2015
- March – publish e-tender
- April - inspection module development or processes
- June – automate CCC & other streamlining
- August - December - add Dispensation/Relaxation, FSCs etc.
Project

Government’s Vision of Reform-
Shared Services is among the key reform initiatives mandated by Government and set out in the
- Programme for Government
- The Public Services Reform Plan.
- Construction 2020
- Action Plan for Jobs

BCMS as a Shared Services Project-
Vision-
A Single Standardised fully Electronic Building Control Management System (BCMS) operated across the Local Authority Sector
Speedy, scalable, cost effective and efficient for The customer
The sector
Local Government Programme Management Office (PMO)
- Established in January 2012 by the CCMA
- Support delivery of the Public Service Reform Plan within the Local Government Sector-106 recommendations detailed in the LGER report
- Centralising knowledge management relating to the projects
- Single repository for sectoral data collection
- Responsibility for reporting on progress to the CCMA, DECLG, LGER IG/PSROG

Public Service Reform Oversight Group (PSROG)
- Department (Secretary General & Ass. Sec. LG)
- Local Government (Chair of CCMA & Senior CEs)
- LGMA (LGMA – Chair and CEO)
- Independent External Oversight Chaired by Senior Responsible Officer PMO

Local Government Management Agency (LGMA)-DECLG Agency
- Provide a range of services to the Local Government Sector

National Oversight & Audit Committee (NOAC)
- S61-Local Government Reform Act 2014
- scrutinise the performance
- support the development of best practice etc.
Voice of Practitioners

- State Buildings module
- Inspection Module
- Phased Development
- Protected Structures compliance
- Framework for BCAs-review
- Costing model-review
- Voluntary Organisations

Strategic Oversight

- Ensure the project’s scope aligns with stakeholder requirements
- Outcomes & initiatives being pursued
- Management,
- Development & Improvement,
- Best practice

Future Proofing

- Ongoing operational requirements
- Legislative Changes
- Services Integration-planning-housing-enforcement

BCAR/BCR policy & issues

- Sectoral Interpretation of BCR/BCARs/ Reconcile differences
- Sectoral issues to DECLG

Performance Indicators

- DECLG Service indicators
- CCMA Data
- Data mining for sector

ROLE OF BCMS STEERING GROUP
Building Control Act 1990-2014

- Building Regulations
- Construction Products Regulations
- Technical Guidance Documents
- Applications - Dispensation/relaxation

Building Control Regulations
- Commencement Notices-CN
- Fire Safety Certificates-FSC
- Disability Access Cert-DAC
- 7-day notices-7D
- Lodgement of Plans
- Design Certificate
- Notices of Assignment
- Undertaking Certificates
- Certificate of Compliance on Completion-CCC
- Inspection Plan
- Public Register
- Validation by BCA

Framework for BCAs

Code of Practice

https://www.localgov.ie/en
Article 5(4) BCARs: “Building Control Management System” means the information technology-based system hosted by the Local Government Management Agency and developed to facilitate the electronic administration of building control matters by building control authorities as the preferred means of building control administration;”

Section 6(4) of the 1990 Act... BCA shall not be under a duty to any person to ensure/verify that the:—

- building or works to which the certificate/notice relates will, either during the course of the work or when completed, comply with the requirements of BR or be free from any defect,
- certificate complies with the requirements of .. Act or of regulations or orders made under .. Act, or
- facts stated in the certificate are true and accurate.

• Copyright information/FOI – Circular 1/2005
• Limited fees refunds & Issue with regard to voluntary organisations
• No provision for withdrawal of Commencement Notices (CN)
• No system of regularisation for non-submission of a CN
• Extensions & 40 square metres
• Loft conversions
Roles & Duties -

- Owners, Builders, Designers responsible for compliance
- Assigned Certifiers: liaise with the BCA, inspection plans & document collation for Certificate of Compliance on Completion
- Building Control Authority administer the process and may take enforcement
  - Validation is solely based on the assumption that the facts stated in and the notices, certificates and attachments forming part of the notice/certificate are true and accurate
- Certificate of Compliance on Completion must be on Register before works or building may be opened, occupied or used.
### Schedule of Mandatory Documents

- **Plans, Calculations, Specifications, Ancillary Certificates & Particulars**

  Schedule that may be relied on during the process to demonstrate compliance with Building Regulations. All or some of these documents may be requested by the Building Control Authority.

<table>
<thead>
<tr>
<th>Documents/General Arrangements</th>
<th>Description</th>
<th>Remarks</th>
<th>Reference No</th>
<th>Upload</th>
</tr>
</thead>
<tbody>
<tr>
<td>(I) General Arrangements</td>
<td>Plan</td>
<td>Plan upload</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sections</td>
<td>Plan upload</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Elevations</td>
<td>Plan upload</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Compliance Statement Report</td>
<td>Report upload</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(II) a schedule of such plans, calculations, specifications and particulars as are currently designed or as are to be prepared at a later date, (potential list A-M compliances below)</td>
<td>List/Schedule- include those designed i.e. available and to be designed during the project development</td>
<td>upload</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(III) the completion of an online assessment, via the Building Control Management System, of the proposed approach to compliance with the requirements of the Second Schedule to the Building Regulations,</td>
<td>Complete this online</td>
<td>BCMS Online</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(IV) the preliminary Inspection Plan prepared by the Assigned Certifier, and</td>
<td>List milestone inspections and relevant Building Regulation Compliance issues</td>
<td>upload</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(I) a Certificate of Compliance (Design),</td>
<td></td>
<td>upload</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(II) a Notice of Assignment of Person to Inspect and Certify Works (Assigned Certifier),</td>
<td></td>
<td>upload</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(III) a Certificate of Compliance (Undertaking by Assigned Certifier),</td>
<td></td>
<td>upload</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(IV) a Notice of Assignment of Builder,</td>
<td></td>
<td>upload</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(V) Certificate of Compliance (Undertaking by Builder)</td>
<td></td>
<td>upload</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stage No</td>
<td>Building Elements</td>
<td>Relevant Part of Building Regulations</td>
<td>Elements to be Inspected / Checked</td>
<td></td>
</tr>
<tr>
<td>-------------------</td>
<td>--------------------------------------------------------</td>
<td>--------------------------------------</td>
<td>-----------------------------------</td>
<td></td>
</tr>
<tr>
<td>1. Design Stage</td>
<td>Paper Assessment-S11 Requests</td>
<td>A-M</td>
<td>A-M</td>
<td></td>
</tr>
<tr>
<td>2. Formation Level</td>
<td>Substructure &amp; Drains</td>
<td>A,C,D,H</td>
<td>Ground bearing, Drainage</td>
<td></td>
</tr>
<tr>
<td>4. Ground Floor Level</td>
<td>Superstructure walls and floor Joists laid</td>
<td>A,C,D,H,,B,K,L,M</td>
<td>Access, ventilation, walls</td>
<td></td>
</tr>
<tr>
<td>5. Wall Plate Level</td>
<td>Services, ventilation etc</td>
<td>A,B,D,E,F,M</td>
<td>Fire, insulation, floors-sound</td>
<td></td>
</tr>
<tr>
<td>6. Roof</td>
<td>Roof Construction &amp; bracing complete</td>
<td>A,B,J,K</td>
<td>Fire, bracing, water storage</td>
<td></td>
</tr>
<tr>
<td>7. Certification</td>
<td>First Fix Services Complete &amp; Ready for Occupation</td>
<td>A-M</td>
<td>Installation manuals</td>
<td></td>
</tr>
</tbody>
</table>
Most Common Construction Defects Observed by BCAs

1. Underfloor fill - panel fixings, pyrite.. (Part A, C, D)
2. Moisture ingress - radon, dpc. (Part C)
3. Fire resistance - eaves, party walls, ducting (Part B)
4. Sound transmission - flooring detail, insulation (Part E, L)
5. Condensation & mould growth (Part F)
6. Frozen pipes, attic tank, stopcocks (Part G)
7. Septic tanks overload, flooding (Part H)
8. Flues, location, size, burners (Part J)
9. Balcony, Stair rails - wrong height, glass (Part K)
10. Steps to entrances (Part M)
11. BER calculations don’t exist, stud fixings, cavities clear of mortar (Part L)
12. Timber frame - fixings, vapour control, cavity barriers, fire stopping,
13. Blocks with no certification (Part A)
Table of Plans, Calculations, Specifications, Ancillary Certificates and Particulars used for the purpose of construction and demonstrating compliance with the requirements of the Second Schedule to the Building Regulations and showing, in particular how the completed building or works differ from the design submitted to the Building Control Authority prior to construction (Details of relevant plans, etc. may be listed below and attached hereto)

Annex to Be Completed Refer to Q6 of Commencement Notice when Completing - Red are Mandatory Upload Documents

<table>
<thead>
<tr>
<th>Annex List Mandatory &amp; Other Required Documents - Name</th>
<th>Y/N</th>
<th>Description-Plans, Sections, Elevations, Compliance Statement Report, Ancillary Certificates</th>
<th>Remarks</th>
<th>Reference No</th>
<th>May Request</th>
<th>Upload</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annex-Table of,</td>
<td></td>
<td>Plans</td>
<td></td>
<td></td>
<td></td>
<td>Upload</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Calculations</td>
<td></td>
<td></td>
<td></td>
<td>Upload</td>
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<tr>
<td></td>
<td></td>
<td>Specifications</td>
<td></td>
<td></td>
<td></td>
<td>Upload</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Ancillary Certificates</td>
<td></td>
<td></td>
<td></td>
<td>Upload</td>
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<tr>
<td></td>
<td></td>
<td>Particulars</td>
<td></td>
<td></td>
<td></td>
<td>Upload</td>
</tr>
</tbody>
</table>

Note: Only necessary to upload the:
- Statutory CCC Form,
- Inspection Plan as Implemented
- Table/Schedule of Compliance Certificates & Documents

which show how compliance with regulations was achieved & include details which differs from those details listed in the CN Schedule

Annex Table
- DACs-DAC-Revised
- FSCs-FSC-Revised-Regularisation
- Relaxation of Building Regulations
- Dispensation from Building Regulations

Other Relevant Compliances which may be Listed in the Annex Table
- DEAP Calculations
- NEAP Calculations
- Phased Developments stand alone Compliance Check Building Regulations
- Compliance Documentation/Report re temporary Compliances the subject of future Development Works Compliances- i.e. development fully completed?
- Previous CCC Ref No Documentation/Report which form part of this CCC

Other Commencement Notices relevant to this Completion certificate
- Other Relevant Compliances

Are all requests and Correspondence from BCA acknowledged and resolved?
- S11 Requests Resolution Report
- Enforcement Resolution reports

Differences from commencement Submission
- Signed CCC by Builder & Assigned Certifier

Note: the documents/certificates listed in this table should be available for upload if requested by the BCA
Consequences of Non-Compliance with Building Regulations

Building Regulations have a primary purpose

- **health, safety and welfare** of people in and around buildings;
- provision for the special needs of **disabled persons** in relation to buildings;
- provision for the **conservation of fuel and energy** in relation to buildings;
- the **efficient use of resources** and
- the encouragement of **good building practice**
  - i.e. safe, accessible, economic and environmentally sustainable buildings.

Failure to comply – whole life costing cost the exchequer millions in **retrofitting** - e.g. HAG/DPG grants-Part M, K caused serious **environmental pollution** – e.g. well & septic tank grants-Part G, H at times **serious injury and/or loss of life**- e.g. fire & flues -Part J

Importance of getting the CN design and compliance documents correct
Completion Phases—must stand alone for compliance—important consideration @ CN stage

Commencement Notice – Construction & Certificate of Compliance on Completion documents overview
Welcome to BCMS

Welcome to the Building Control Management System - BCMS

If you are a new customer and want to submit a Commencement notice or Seven day notice you will need to Register.
To register you will need your: Email Address and contact details

If you have previously registered you need to login.
To login you will need your: Username & Password

View a video on how to accept a role on the system if you are not registered or already registered

If you need to submit a Completion Certificate, please download the form below and submit it to your local authority. The Certification of Compliance on Completion will be available for online submission in due course until then please download the form and submit at your local authority.

Certificate of Compliance on Completion

Policy & Procedures Folder
- FAQ
- CPR
- Framework
- Policy Documents
- Manual-videos

Users Circulation/updates
Contact process for BCMS customers-BCMS@laname.ie
Training
Current Status contd.

- S.I. 9 of 2014- 1st March 2014
- 6432+ Valid Commencement Notices processed to date
- 829+ Invalid CN processed
- 111,168+ documents lodged in support of Compliance
- 571 + Completion Certificates
- 80/20 proportion of on-line to counter applications, with on-line activity increasing
- Material held digitally on national database disaggregated for individual BCAs

Default to Digital

- System architecture derived by LGMA with wider application
- Gateway through LG Portal developed by LGMA
- Interface continually improved through benefit of live testing
- Two Irish software companies were partnered to deliver product
- BCMS - Chambers Ireland national award for inter-authority initiative.
Stakeholder involvement - Builder the largest when included as takes on the Role of Designer and Certifier in many projects. Registered Architect smallest stakeholder. Working on refining this search.
BCMS – Next stage

- European e-tender for services integration Lots
  - Drupal Services
  - SugarCRM services
  - Data Analytics and Reporting module
  - Training and Learning Delivery
  - Service Bus and Authentication Services
  - Inspections
  - Cloud solution for document storage
- Automate CCC
- Link to professional registers
- Notification to BCO document upload
- Training
- Statutory Register update
- Add remainder of BC forms
- Practitioners Groups
  - Local Authority Development Module
  - Protected Structures – good example data
  - Inspection Module
  - Enforcement/CE Orders/Delegation suit of documents
  - Training module
### Statutory Documents-Notices, Applications, Certificates of Compliance & Building Control Register

1. **“enforcement notice”** served under section 8 of the Act;

2. **“7 day notice”** section 6(2)(a)(iv) of the Act—A commencement notice under article 8 shall not be required in respect of works or a building in respect of which a 7 day notice is required under article 3.

3. **“Commencement Notice”** section 6(2)(k) of the Act; A person who intends to carry out any works, or to make a material change of use as regards a building, shall give, to the building control authority in whose functional area the works or building are, is or will be situated, notice in writing of such intention not less than fourteen days and not more than twenty-eight days before the commencement of the works or the making of the material change of use.

4. Assignment of Person to Inspect and Certify Works (Assigned Certifier)

5. Assignment of Builder

6. Change of Owner, Builder, Assigned Certifier—14 days

<table>
<thead>
<tr>
<th>Applications</th>
<th>Certificates of Compliance of (Design),</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) section 4 of the Act for a Dispensation from, or a Relaxation of, a requirement of Building regulations</td>
<td></td>
</tr>
<tr>
<td>(b) fire safety certificate includes a certificate referred to in section 6(2)(a)(ii) of the Act;</td>
<td></td>
</tr>
<tr>
<td>(c) revised fire safety certificate—means section 6(2)(a)(vi) and section 6(2)(a)(x) of the Act</td>
<td></td>
</tr>
<tr>
<td>(d) regularisation certificate—means a certificate referred to in section 6(2)(a)(vii) of the Act;</td>
<td></td>
</tr>
<tr>
<td>(e) Disability Access Certificate—a certificate referred to in section 6 (2)(a)(ix) of the Act</td>
<td></td>
</tr>
<tr>
<td>(f) revised disability access certificate—</td>
<td></td>
</tr>
</tbody>
</table>

“register” means a register pursuant to article 21 of these Regulations—Statutory Public Register

[https://www.localgov.ie/sites/default/files/BuildingRegister22ndSep2014.pdf](https://www.localgov.ie/sites/default/files/BuildingRegister22ndSep2014.pdf)
Inspection Module Recommendations – Inspection System

- App Based
- Map Functionality
- Unique site / premises identifiers
- SSWP / Lone worker functionality
- Links to BCMS CN data
- Prescriptive and dynamic data collection
- Database of common problems / non-compliances
- Photographic capabilities
- PDF capabilities
- Links to TGD’s, Codes
- Offline option
- Templates
Training Requirement

What areas do you want to cover?

Answered: 45  Skipped: 0

- Editing a building... 60.00%  27
- Creating a counter submission 62.22%  28
- Nominating Roles 40.00%  18
- Validating a Project 55.56%  25
- Completion Certificates 88.89%  40
- Retrieving Information on projects 77.78%  35
- Building Regulations 53.33%  24
- What the customer sees 88.89%  40
- Creating Reports 86.67%  39
- Other (please specify) 37.78%  17
Ongoing challenges

• BCMS complete the development of IT system
• Refunds & voluntary organisations
• Link to planning & FSCs
• Inspection module
• Training for staff, both BCOs and administrative to help people commencing building
• Non-submission of Commencement Notices
• Likely difficulties with occupation by non-compliant builders or owners putting pressure on Councils to relieve complex problems-reminder email.
• Need to support people commencing one-off houses and misrepresentation of position of Building Control Authorities
• Need to better coordinate Planning and Taking-in-Charge in pursuit of improved compliance
Opportunities

Certificate of Compliance on Completion
Signed by Builder and Assigned Certifier

• Projects completed in one phase can use the proscribed Form
• Multi-unit developments are different if completed over periods:
  – Phased Commencement must become mandatory
  – Each phase must allow all units to be compliant on completion
Opportunities

• Can eliminate the development of projects with incomplete infrastructure
• Will heighten focus on Taking-in-Charge
• Will require greater coordination of Planning and Building Control
• Planning and Building Control functions must coordinate to demand coherent phasing at project planning stage – ideally at pre-application stage – from developers of
  – Housing Estates, Apartment Complexes, Mixed Use developments, Shopping Complexes, Industrial Estates
Thank You