New Building Control System
“One Year Down The Line”

Chief Fire Officers Perspective

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Introduction

• Context
• Part B Compliance
• 7 Day Notice
• Regularisation Certificate
• BCMS
• Framework
• Other Issues
• General Conclusions
Context

• Building Control Department *and/or* Fire Department?

• Construction v Occupation?
  – B.S. 9999

• Changes Promised:
  – Accountability – identification of all parties and their respective responsibilities
  – Information – submission of drawings and supporting material
  – “Culture of Compliance”

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Context - What’s New?

- Ongoing improvements to BCMS
  - High level of uptake
- S.I. 105 / 2014
  - Notifications of projects approved by Oversight Group have been received
- Framework for BCAs
## Part B Compliance

### Part III / Part IIIA of the BC Regulations

- Fire Safety Certificate
- Revised Fire Safety Certificate
- Regularisation Certificate
  - Signed by Fire Officer
  - BCA certify .... The building/works.... Comply with the requirements of Part B of the Second Schedule

What is the procedure if they are not the same?
Which certificate takes precedence?

### Part III C of the BC Regulations

- Certificate of Compliance (Design)
  - Signed by Design Certifier
  - I certify .... the proposed design for the building/works is in compliance with the requirements of the Second Schedule

- Certificate of Compliance on Completion
  - Signed by Assigned Certifier
  - I certify .... The building/works is in compliance with the requirements of the Second Schedule

Maria Melia – IBCI 2014
Example of recent case where FSC and CCC were not the same:

- Plan submitted at CN stage

  – Layout A
**Part B Compliance Cont’d**

- Plan submitted with FSC application
  - Layout A
• Revised layout to comply with fire requirements
  – one wc omitted to provide alternative means of escape
  – Layout B
Part B Compliance Cont’d

- DAC Application – similar to updated FSC drawings
Part B Compliance Cont’d

- Cert of Compliance on Completion – Layout A
- Constructed as per Layout A
- Made changes on site, resubmitted CCC – Layout B

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Building Control Inspection Survey for compliance with FSC (Pre S.I. 9 / 2014)

- Required New FSC: 44%
- Significant deviations: 36%
- Similar to FSC: 20%

Martin Ryan – IBCI 2011
• No noticeable change in standard of FSC submissions
• Number of instances where CCC drawings are at variance with final FSC drawings
  – No requirement in completing CCC to certify that works comply with FSC
  – Less likely to be picked up where Building Control and Fire are not integrated
  • Benefits of one officer dealing with FSC and DAC

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Part B Compliance cont’d

- Instance of Licencing inspection revealing new works, with BCO involvement, for which there was no FSC
- What approach should be taken where an inspection (by request or otherwise) identifies the need for some fire safety works e.g. provision of lobby and installation of emergency lighting/fire alarm (material alteration)
  - Requires CN with supporting documentation?
  - Fire Safety Notice?
  - Is there a need for a different form of notice??

- Is there an argument to review what requires an FSC at the lower end of the scale? e.g. should the need be determined by means of risk assessment?
7 Day Notice

BCMS
• Electronic Submission
• Statutory Declaration
• GA drawings
• Design Certificate
• Fire safety strategy
• Inspection Plan
• Certificate of compliance on completion signed by Assigned Certifier

Fire Officer
• FSC application
• Part B compliance drawings
• Specifications
• Fire safety strategy
• Fire safety inspection
• FSC signed by Fire Officer

Maria Melia – IBCI 2014
## 7 Day Notice

### Cont’d

- Increase in the number of submissions
- 7 Day Notice and FSC process interface needs to be resolved
  - the BCMS currently does not allow you to submit the notice and informs you that you must forward the fee and the Statutory Declaration to the Local Authority.
- Statutory Notice
- Fees

### Table: Cork County

<table>
<thead>
<tr>
<th>Cork County</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>2014 (Mar – Dec)</th>
</tr>
</thead>
<tbody>
<tr>
<td>7DN (% of FSC)</td>
<td>6%</td>
<td>7%</td>
<td>9%</td>
<td>9%</td>
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</table>

**IBCI March 2015**
Regularisation Certificates

**BCMS**
- No CN
- No FSC
- No unique identifier
- Certificate of compliance on completion?
- Enforcement action?
- Occupation?
- Regularisation?

**Fire Officer**
- Reg Cert application
- Part B compliance drawings
- Specifications
- Fire safety strategy
- Certificate of compliance
- Reg cert... the building/works .... Comply with the requirements of Part B of the Second Schedule......signed by Fire Officer
Regularisation Certificates Cont’d

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</tr>
</thead>
<tbody>
<tr>
<td>Reg Certs</td>
<td>24%</td>
<td>17%</td>
<td>13%</td>
<td>12%</td>
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</table>

- Not many Reg Certs post S.I. 9
  - Increased compliance?
- In most cases work started before 1st March 2014
Partially completed works that started post March 1\textsuperscript{st}:

- Resurrection of old chestnut from 2009 i.e. single cert or two cert approach?
  
  - Circular Letter BC 6/2010 – delay granting cert until building works are completed, plans and information submitted should indicate how it is proposed to complete the works, require applicant to provide document “attesting to compliance” – a one cert approach

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Regularisation Certificates Cont’d

• Applying for Regularisation Cert means they acted in contravention of BCRs
  – Reg Cert S.I.351-2009 compliance / CN S.I.9-2014 non-compliance?
    • Regularises FSC requirement only
    • Unable to get CN or be entered on the Register

• Enforcement?
  – One section of the LA accepting a Reg Cert Application in accordance with SI 351 of 2009 and another section possibly prosecuting for non-compliance with SI 9 of 2014
    • More of a BCA issue
    • Fire Officer concerned with Part B compliance
    • Need for alignment of SI 351 of 2009 and SI 9 of 2014?

• Hasn’t been tested yet!

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BCMS

• Should Fire Officers have access to the BCMS?
  – View only access?
    • User friendly queries (with reporting)?
      – e.g. report on CNs /CCCs received in last 2 weeks
    • Not yet set-up to search on CCCs

• Should there be email alerts from BCMS to the Fire Officer?
  – Should Fire Officer have to keep checking information uploaded to the BCMS?
  – What notification should a Fire Officer receive?
    • e.g. notification that a CCC for a commercial development has been received/validated?
      – Set up / request an alert if Fire Officer would like to follow-up on a particular FSC
    • “Dear Inspection Team”
      – Add Fire Officer to the Inspection Team?

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• Should a Fire Officer issue their inspection report to the assigned certifier?
  – Recommendation of Code of Practice
    • The owner / builder are the enforceable parties

• Completion Stage
  – Fire Officer to notify BCO if there are any outstanding issues, how?

• Should the BCMS interface with existing IT systems?
  – Licencing Inspections, FSA Inspections, Pre-Incident Planning, Fire Safety Certificate Applications, etc.
Framework for BCAs

• Section 2 Role of BCA – General Statement of Functions
  – The BCA should:
    (a) process applications for FSCs... and issue decisions...
  – Appendix III “General Role and Guidelines” (as per S.I.)

• Section 7 Completion Stage
  – “The authority will check that there are no unresolved matters in relation to... conditions attached to FSCs...”

• Section 8 Assessing Fire Safety Applications
  – “BCAs should establish a standardised approach to assessing Fire Safety Applications” (Guidance?)

• Appendix IV – Milestones throughout the Building Project
  – Offers an example of “a non-exhaustive list of elements in a construction which may be inspected by an Authorised Officer” (fire officer v building control officer)

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Other Issues

• What’s the future for FSCs?
  – Are FSCs an unnecessary administrative burden on businesses?
  – Should building control be a construction issue up to completion, with fire safety as a post occupation issue?
  – Should BCO inspect/audit all aspects, including Part B?
Other Issues  Cont’d

• The fire safety certificate process has worked well over the last 20+ years.
• Fire service’s premises files have the full building history.
• Integration of fire prevention and fire brigade operations
Unlike other parts of the building regulations which concentrate mainly on design and construction, Part B-Fire Safety encompasses the occupation/use of the building as well as the management of the premises and therefore is relevant for the lifetime of the building.

With the advent of BS9999 designs, more emphasis will be placed on management of premises on an ongoing basis. The decision as to whether a fire officer would accept a management strategy for a particular building will often depend on local conditions.
Conclusion

• Need to resource Building Control properly
• Need to re-visit parts of regulations which have raised anomalies
• Need for a consolidated set of regulations
• Need for guidance
• Need for training / workshops if there is to be consistency in our approach
Thank You

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