

BUILDING CONTROL (AMENDMENT) REGULATIONS REVIEW SUBMISSION



'12 Point Plan for an immediate solution to S.I.9' 15 May 2015

The following proposal is a 12 Point Plan that can be implemented without primary legislation in a short timescale, making efficient use of limited resources and skills. It can deliver an effective solution for both one-off and multi-unit housing at considerably less than the €3,800 fee suggested in the consultation documents.

1. Amend the regulations so that only high-risk **residential construction** (all houses and apartment) and **places of public assembly** (pubs, clubs, hotels, theatres, cinemas, sports halls etc.) are included in the first instance. Low risk 'contract building' in the commercial (shops, offices etc) and institutional (schools, hospitals, etc) building can be included later as the system develops. *This will immediately result in up to 5% savings across the construction industry through reductions in administration, defensive specifications, elimination of duplication and a decrease in contractual disputes.*
2. Include limited safety-based **Compliance Certificates** for house extensions and material alterations in high-risk areas (attic conversions, structural works, fire escape routes, septic tanks etc.). *This will immediately improve standards in critical areas of life safety and environmental compliance.*
3. Organise a **Panel of Certifiers** from the private sector ('authorised persons' under the 1990 Building Control Act) in each of the local authorities. In the first instance this could include the registered professions (architects, engineers, surveyors) but within 6-12 months could be open to anyone who completes an assessment of competence in building regulations and inspection. Require registered professionals to demonstrate competence by this assessment in order to remain on the panel. *This will immediately open the panel to Architectural Technologists and also ensure the on-going competence of all certifiers (particularly Chartered Engineers, the majority of whom do not have any training in construction or building regulations).*
4. Establish **national payment rates** for inspections. The local authority could retain (say) 25% to administer the panel and this will generate a revenue stream to support building control services. For example, a house build may require 8 inspections at €300/ inspection (total cost €2,400). The certifier will work to a standard template and upload this to the BCMS (Building Control Management System). The owner/developer will be required to provide agreed information (e.g. radon certificate, sound transmission test, BER Certificate) for the certifier at stages. Compliance Certificates for smaller works (extensions, conversions, septic tanks etc.) may only require one or two inspections. If the stage inspection fails the owner/ developer will be required to pay for a repeat inspection once the remedial works are done.
5. Amend the regulations so that this private-sector Panel Certifier must be entirely **independent** of the owner, design team and builders. Allow the owner/ developer to select from the local panel and to make direct payments through the local authority or BCMS in advance of each inspection.

A range of specialist Panel Certifiers can be available locally or nationally for highly technical or specialist inspections.

6. Resolve the confusion and duplication between the duties of Assigned and Design Certifier by having Panel Certifiers audit standardised compliance of **design and construction**. *This immediately reduces costs and introduces a national independent standard of compliance for all high-risk construction.*
7. Empower the Panel Certifiers as '**Authorised Persons**' under the 1990 Act. This gives them extensive rights to enter a site, to request documents, to enquire about methods of construction, to take samples of materials etc. *This will immediately resolve the loophole whereby an Assigned Certifier has no rights to enter a site without the permission of the owner/ developer or to require copies of any documentation, testing records or samples.*
8. Provide **supports to owners, professionals and builders**. This could include a website providing public information, guidance on building control and safety in buildings, construction product alerts, etc. In conjunction with this commission 'standard compliant construction details' and 'owner guides'. *Within 6-12 months this will ensure that Panel Certifiers, owners and builders have ready access to best practice standards and compliant technical details. This will improve skills, raise standards, cut costs and reduce disputes.*
9. Amend the **Completion Certificate** to clarify that inspections relate to technical compliance only (fire safety, disabled access, radon, sound transmission, energy performance etc.) and are not a catch-all guarantee of the builders' workmanship and materials. *This will immediately resolve most of the Professional Indemnity Insurance problems, reduce overhead costs and allay some liability concerns for professionals*
10. Clarify that the **Completion Certificate** confirms the safe occupation of the building only and not any other contractual requirement (Practical Completion, etc.). *This would immediately ensure that self-build homes could be occupied once safe to do so. It would also restore established commercial contractual arrangements, which have been severely disrupted by S.I.9.*

Negotiate agreement with the Law Society and financial institutions to ensure that a Completion Certificate is adopted as a standard document in residential conveyancing for all new houses and apartments and also that the owner/developer signs the Completion Certificate. *This will immediately close-off loopholes in the existing regulations and protect home-buyers.*

11. Empower the local authority **Building Control Departments** to direct the work of these panels of private-sector certifiers and to audit their performance. Use the new revenue to support the existing local authority building control staff and to expand the BCMS and other support services.
12. Ensure the **economic viability** of any changes. The system outlined could generate up to €10million annually for local authorities from the residential construction sector at a lower cost to the consumer than the consultation document proposals. (Basis: 25% administration fees for 12,000 new houses/ apartments and 20,000 smaller works). The cost to consumers (both home buyers and self builders) would be approx. €2,400 for a new home.

Insurance products (**Latent Defects Insurance** /'home guarantee' policies) are unlikely to become available in the Irish market unless independent inspections put in place nationally to a consistent and rigorous standard. These policies could provide buyers with immediate redress for defects, for up to 10 years, at a cost of €1,500-2,000 per housing unit (basis: UK).

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