

1StopArchitectural Ltd

Guide to Changes in Building Control Procedures – Implemented October 1st 2023

On October 1st the legislation and procedures for building control was updated.

These changes result in a more onerous input from the client, designer and contractor.

These rules and regulations are for every type and size of projects from a new opening in the home to complete new home.

As a brief guide I note below the resultant changes and the roles needed to be completed by relevant members of a building contract team.

I note the items below relate to domestic projects. Commercial and higher risk projects have additional implementation I can cover separately upon request.

I have highlighted/added text in green as a short guide on areas to instigate for each party involved.

The planning element of is unchanged.

Specific dutyholder requirements

Client ;

The client is the person for whom the building work is done; often the client will be the developer or the building owner. They have a major influence over the way a project is procured, managed and funded. They control the contract, the finances and the time available for the project. We propose that the client should have the following duties:

- Make suitable arrangements for planning, managing and monitoring a project, including the allocation of sufficient time and resource, to deliver compliance with building regulations. In practice, this means appointing the right people, with the right competencies (the skills, knowledge, experience and behaviours or organisational capability) for the work and ensuring those they appoint have systems in place to ensure compliance with building regulations;
- Where there are a number of firms working on different aspects of the project, the client will need to appoint a Principal Designer to be in control of design work and a Principal Contractor to be in control of the building work;

- Provide building information to every designer and contractor on the project and have arrangements to ensure information is provided to designers and contractors to make them aware that the project includes any higher-risk building work; and,
- Cooperate and share information with other relevant dutyholders.

As a brief synopsis I encourage the client to appoint formally the Architect/Structural Engineer (and any other specialists) and importantly the Building Contractor. On standard domestic projects the Building Contractor becomes the principal designer.

The client must allow suitable access to the home to allow suitable survey by relevant parties.

The client must provide any background data at hand.

Designers ; This would be Architectural and Structural Engineer along with any other specialists such as Mechanical and Electrical Consultants.

Any person who, in the course or furtherance of a business, carries out any design work, or arranges for or instructs, someone under their control to carry out design work, will be a designer. In addition to the general duties we propose that designers should have the following duties:

- To not start design work unless satisfied that the client is aware of their duties;
- When carrying out design work the designer must ensure that, if built, the building work to which the design relates would be in compliance with all relevant requirements;
- In providing a design, a designer must take all reasonable steps to provide sufficient information about the design, construction and maintenance of the building to assist the client, other designers and contractors to comply with all relevant requirements;
- Where a designer is carrying out only part of the design of the building work which comprises a project, the designer must consider other design work which directly relates to that building work and report any concerns as to compliance with all relevant requirements to the Principal Designer; and,
- If requested to do so, a designer must provide advice to the Principal Designer or the client on whether any work, to which a design it is preparing or modifying relates, is higher-risk building work.

The Principal Designer is a designer appointed to be in control of all of the design work. In addition to the general and the designer duties, we propose that the Principal Designer should have the following duties:

- Plan, manage and monitor the design work during the design phase;
- Co-ordinate matters relating to the design work to ensure that, if built, the building work to which that design relates will comply with building regulations;

- Ensure that they, and all designers working on the project, co-operate, communicate and co-ordinate their work with the client, the Principal Contractor, and other designers;
- Liaise with the Principal Contractor and share information relevant to the building work; and,
- Assist the client in providing information to other designers and contractors.

In brief there is clear emphasis on ensuring the most amount of suitable design data along with specifications being fully compliant.

Both Architect/Engineer must cross reference to relevant design codes and prove all main elements comply with current legislation such as Design Codes and British Standards.

The traditional plan check format will in brief no longer exist.

All the above heightens the accuracy but it will be more time consuming in some areas and some fees will rise accordingly.

Contractors ;

Any person who, in the course or furtherance of a business carries out, manages or controls any building work will be a contractor. In addition to the general duties we propose that contractors should have the following duties:

- To not start building work unless satisfied that the client is aware of their duties; and,
- Contractors must provide each worker under their control with appropriate supervision, instructions and information so as to ensure that the building work is in compliance with all relevant requirements.

The Principal Contractor is a contractor appointed to be in control of the whole project during the construction phase. In addition to the general and the contractor duties we propose that the Principal Contractor should have the following duties:

- Plan, manage and monitor all the building work;
- Co-ordinate matters relating to the building work to ensure that it complies with building regulations;
- Ensure that they, and the contractors in the team, co-operate, communicate and co-ordinate their work with the client, the Principal Designer and other contractors;
- Liaise with the Principal Designer and share information relevant to the building work; and,
- Assist the client in providing information to other designers and contractors.

Few areas here the contractor is encouraged to instigate. See below ;

1. Key area now is on site during a visit from building control the traditional method of ascertaining if something is compliant is to ask the officer, this now must be reworded, an example is similar to this “Mr Building Inspector, I believe this be compliant based on the data provided by my Architect and on my experience”. This way the inspector can engage formally and guide accordingly
2. On domestic projects the building contractor in effect also becomes the “Principal Designer”. See below for some guidance on this.
3. Suggest obtaining formal appointment letter from the client.
4. Suggest ensuring public liability insurances are in place and at suitable levels.
5. Liaison with the designer and client is key especially if instigating any changes to approved plans and specification.

Competence requirements

General requirements ;

The intention is to ensure that everyone doing design work or building work is competent to carry out their work in a way that is compliant with building regulations.

For any design or building work on all buildings in England, it is intended that building regulations set out the duties on anyone who participates in or manages the work to have the appropriate skills, knowledge, experience and behaviours, and if they are an organisation, the organisational capability to carry out work in a way that is compliant with building regulations.

It is recognised that competent individuals may be supported by other individuals who may not be fully competent (such as labourers or apprentices). In addition, newly trained individuals need to be given the opportunity to gain experience of working. In these cases, they must be in a process of obtaining the relevant competence and must be appropriately supervised by someone who is competent.

Anyone who appoints persons to carry out design work or building work must take reasonable steps to ensure that those they appoint meet the competence requirements for their roles. “Reasonable steps” will depend on the nature and complexity of the project, and the range and levels of the risks involved