

# General FAQ

## Q. What is Building Control?

Building Control is the term used to describe the statutory function performed by either your local council or by independent, government approved inspectors. Its purpose is to check if your works are likely to comply with the Building Regulations.

All Building Control bodies should have a policy for the delivery of their service, you can find ours at <http://www.jhai.co.uk/key-information>

## Q. What are the Building Regulations?

The Building Regulations are a set of standards which need to be considered and if required followed whenever a new building is erected or when an existing building is extended or altered. The regulations set the minimum standards that you must follow to meet the government's requirements for the health, safety, welfare and convenience of people in and around buildings. It also sets standards for the conservation of fuel and power, and for preventing waste of water.

## Q. Do I always need Building Regulation approval?

Most building projects – even small extensions, structural alterations or improvements - need to comply with the Building Regulations. They apply even if planning consent is not required. However, some types of small works are exempt from control under the Building Regulations. For example,

- Small ground floor extensions such as porches or conservatories that are under 30m<sup>2</sup> may not require consent if they are thermally separated from the main house
- Certain small detached buildings like sheds, provided that they are constructed of non-combustible materials and they are not too close to boundaries or contain sleeping accommodation
- Other kinds of minor improvements such as replacement glazing or central heating may be covered by a Competent Person scheme. Although these works are controlled by the building regulations, you don't need to apply for consent to an approved inspector or the council. A full list of competent persons can be found at <http://www.competentperson.co.uk/>. This leaflet about the Competent Person Register: Competent Persons Leaflet 2013

If you are planning works and are wondering whether you will need Building Regulation approval, please feel free to contact your local office.

You can find a list of our offices here: <http://www.jhai.co.uk/contact-us>

## Q. What is the difference between Building Regulation and Planning Approval?

Planning Permission is about deciding whether you can go ahead with a building project in terms of its effect on neighbouring properties and the wider environment. In contrast Building Regulations set standards for design and construction to make sure that projects are built to the minimum standards in the Building Regulations.

You can check whether your project will require planning approval by following this link: <http://www.planningportal.gov.uk/permission/>

## Q. How does the Building Regulation approval process work?

When you appoint an Approved Inspector, they will serve an initial notice on the Council. This registers your project as "building work" on a public register.

After an Approved Inspector has completed their inspections of your property and collated various certificates to satisfy themselves that, within certain limits, you have complied with the regulations, they will issue a Final Certificate to you and to the local authority, so that the register mentioned above can be updated. This shows to a property conveyancer involved a property transaction in that the building work has been signed off as complete. Further information on the Building Control process can be found at <http://www.planningportal.gov.uk/buildingregulations/>

## Q. Can I start works without a Building Regulation submission?

You can only start work without notifying a Building Control body when using a Competent Person scheme.

When using an Approved Inspector for your building regulation work, the initial notice must be served upon the local authority at least five days before any controllable aspect of the works may be started. This does not normally include preparatory work but, if in doubt, please check with your local office <http://www.jhai.co.uk/contact-us>

## Q. When and who do I have to call for an inspection?

When controllable works are due to start on site, we will need to inspect. Just phone your local office and they will be able to organise an inspection. The contact details will also be on the building control Information Sheet which we send to you when we are instructed.

You will also need to notify us when your work reaches certain stages. The stages relevant to your build are shown here. If additional inspection stages are required, you or your agent will be notified when a plan check is undertaken of your drawings.

## Q. What happens if I don't call for an inspection?

If you don't call for an inspection, then we can consider other evidence to show that you have complied such as photographs or professional reports. But to avoid any complications it is best to phone us to let us know you're ready for an inspection. Your Building Control Surveyor is there to help you through the process and observe compliance. If you have any doubts, please phone and ask. Not notifying us could mean that we ask you to expose work for further inspection and sometimes start that element again if it was observed to be non-compliant. To undertake retrospective compliance work can be expensive and involve you in further inspection fees.

## **Q. What happens when you visit site?**

When a JHAI Surveyor inspects the element of work we have been called out to inspect, they will make inspection notes. The Surveyor will make notes of any non-compliances observed and will either leave a hand-written inspection report with the builder or will email an inspection report to you, your designer and the builder as soon as possible after the inspection.

## **Q. Does this mean my works comply?**

Unless we have notified you or your builder to the contrary, our inspections are evidence, but not conclusive evidence that the works we have seen comply.

Our surveyors cannot be on site all the time and we cannot see all elements of the building work as our inspection regime is limited to set stages. We could never see every aspect of a project. For instance, it is virtually impossible to inspect flashings or cavity trays. You may want to consider appointing an independent project manager or your architect to project manage the works.

## **Q. How can you help if I am not happy with the builder's work?**

Your JHAI surveyor is here to help as much as possible. We can help you with any building regulation compliance concerns, but our function is limited to this aspect only. Building control surveyors only look for minimum levels of compliance but your expectations of quality, and the requirements of your contract with the builder, may quite understandably be higher than the statutory

## **Q. What is a Final Certificate?**

A Final Certificate is a statement by an Approved Inspector that the works should meet the minimum building regulations standards.

Like the Initial Notice referred to earlier, the Final Certificate is sent to the local council for inclusion on the public register.

Before we can issue the certificate there will be certain information that we will need to collect and details of this can be found on our Building Control Completion Checklist

## **Q. If works do not comply how long do I have to put them right?**

A. If works do not comply, we will write to you and give you a reasonable time in which to alter the work so that it complies. If we believe that the non-compliance is serious enough to warrant formal action, we can serve a notice requiring you to remove or alter the defective work within 90 days. This time limit is set by the regulations themselves and if nothing is done within that time period, we will need to cancel the Initial Notice. The Local Council may then serve a notice on you to undertake such works as are necessary to comply with the regulations.



## **Q. What happens if I have not quite finished works and want to move in?**

If you occupy a building which is non-compliant for more than four weeks the local authority may deem our Initial Notice invalid and reject our Final Certificate. So please be sure to notify us of your intention to occupy the building and we will ask for an extension of time. This will give you a little longer to finish the works.

## **Q. How can JHAI help if I discover areas of non-compliance when I have already received my Final Certificate?**

Because our inspection regime is limited in scope it is possible for non-compliances to be found after the project has been signed off. There are elements of construction that cannot be inspected in any great detail or that may be covered over at the time of our site inspections. The legal status of a Final Certificate is that it is proof but not conclusive evidence of compliance with the building regulations.

If a non-compliance with the building regulations is identified after we have issued a Final Certificate, please contact us and we will do all we can to assist you in getting the matter put right.

## **Q. What is the difference between a 'Building Control Final Certificate' and a 'Professional Consultants Certificate' (PCC)?**

JHAI are employed as an Approved Inspector on the project. This is a role defined in the Building Act 1984 and the Building (Approved Inspectors etc) Regulations 2010, and we hold professional indemnity insurance which is specific to that role. Our function as an Approved Inspector is defined within the regulations and once we are satisfied that we have discharged that function we issue a certificate, a template of which is contained within the regulations, called a Final Certificate. The certificate contains the statement that it is "evidence but not conclusive evidence" that the requirements of the regulations have been complied with. The certificate is therefore not a 100% guarantee that compliance with the regulations has been achieved. The role is a statutory one and the evidentiary nature of the certificate is such that no purchaser or lender can place any reliance on the content in respect of the purchase of, or the advancing of monies secured on a property.

By contrast a professional consultant's certificate is not evidentiary; it is a document developed by the Council of Mortgage Lenders and forms part of their CML Handbook. Lenders will generally only lend on a newly built (or newly converted) property where the property is covered by a warranty scheme (for example, NHBC, CRL etc) or the Professional Consultant's Certificate (PCC). The PCC is for use by a suitably qualified professional consultant when designing and/or monitoring the construction or conversion of residential buildings. In the issuing of the certificate the consultant states that the dwelling meets compliance with the building regulations and the drawings/instructions issued under the contract, they also accept in the certificate that both the first purchaser and the lender are relying on the contents of the certificate in the purchase of the property.

The two functions and responsibilities are therefore very different and separate. For this reason a Building Control Body such as an Approved Inspector cannot sign a PCC.



**Q. What does the “evidence but not conclusive evidence” statement on a Building Control Final certificate mean?**

The Final Certificate wording is prescribed to us as the document is a template within the Building (Approved Inspectors etc) Regulations 2010. All Building Control Bodies whether from the private sector or local authority must use the same “evidentiary” wording within their certificates.

The purpose of the evidentiary wording is to confirm that we, as the building control body, are not responsible for the works compliance with the building regulations. The duty to comply with the regulations remains, at all times, with the person undertaking the work and ultimately with the owners of the property. The purpose of a building control body is to check, as far as is reasonable, that the person undertaking the work is meeting their legal obligation, and that the building work complies, as far as they can reasonably ascertain, with the requirements of the regulations. We issue a final certificate at completion of the project and the certificate states that it is “evidence, but not conclusive evidence” of compliance. The wording reflects the fact that the building control service is a limited third party regulatory check.

Building Control Bodies check, but cannot guarantee, that works comply with the Building Regulations. It is not the role of building control to provide:

Further detail of the role of a building control body such as jhai can be found on the website of our licensing body CICAIR. Here they explain exactly what “Building Control” is and the limitation of its responsibility <http://cic.org.uk/services/complaints.php>

**Q. Following a recent site inspection by a jhai surveyor I have received an ‘Outstanding Items Letter’ with a 28-day time limit and a ‘Contravention Notice’ which contains a 3 month time limit, what do these mean?**

Inspections of work are not a legal requirement, but they are an important feature of our role as the Building Control Body and are undertaken to enable us to meet our statutory function. The guidance on how we undertake inspections is detailed in the Governments Building Control Performance Standards; the standard states that we must communicate details of non-compliant work to the person responsible promptly and clearly.

Where, during an inspection, a surveyor has identified items of design or test information that are outstanding or a potential contravention of the regulations that could be regarded as minor you will be informed of these using our “Outstanding Items Letter” procedure. You will receive a series of three separate letters with varying time limits from 28 days to 7 days requiring you to provide the additional information of rectify the contravention.

If a surveyor regards the potential contravention as a serious or major one our policy is to notify that to the person responsible using the formal means provided for in the legislation. The issuing of such a notice reflects the potential seriousness of the contravention and the Regulations require that we allow the person responsible a period of 3 months to rectify the contravention. Failure to do so within that timescale will result in result in us cancelling the statutory notice we have issued for your work and reverting the control of the work to the local authority who will then be able to take action through the court to force the rectification of the contravention.



**Q. I have received an 'Outstanding Items Letter' following a recent site inspection and it states that I need to notify jhai if I intend to occupy the building as they will need to apply for an extension of time, what does this mean?**

When we are appointed to provide our Building Control Service our first obligation is to submit what is called an 'Initial Notice' to the local authority who will then record details of your project on a public register. This notice is an essential component to our appointment and in legal terms its primary functions are to allow an Approved Inspector to certificate work under the Building Regulations and to disable the local authority's enforcement powers.

To ensure that those persons undertaking building work meet their obligations to complete the work in a timely manner and in accordance with the regulations the law provides for situations when the Initial Notice that we have served might automatically cease to be in force. For domestic projects this will occur usually when a period of 8 weeks has elapsed following the substantial completion of the work or the occupation of that part of the building where the work has been carried out. For commercial projects this is generally a period of 4 weeks.

When we undertake our final inspection and we need to issue an outstanding items letter there is a chance that you may intend to occupy that part of the building, for instance the loft conversion, extension or re-roofed conservatory. To ensure that we do not fall foul of the 8 week period prescribed in the legislation we ask that you notify us of that occupation so we can apply for an extension of time from the local authority.

If you don't provide us with the required information or rectify the potential non compliances within that extension period, and it lapses, unfortunately the Notice will expire and the control of your work will revert to the local authority who can then require a further application fee and demand to inspect the works undertaken. All of this will unfortunately be beyond our control.

**Q. I have received a copy of an Initial Notice and Building Control Information Sheet but I am not your contractual client:**

Whilst you are not our contractual client, as the owner of the property the Governments Building Control Performance Standards require that we notify you of our appointment as the statutory Building Control Body by your Agent. It is important to note that as the owner of the property you are ultimately responsible for ensuring the buildings compliance with the Building Regulations, although we appreciate that you may have contracted with a builder to undertake the works for you in accordance with the Regulations. To reflect your ultimate responsibility we are required to jointly submit with you the Initial Notice to the public register of controlled works held by the Local Authority. We have notified you of our appointment by your agent and provided you with a copy of the said Notice for your records, and to allow you the opportunity to select an alternative provider if you so wish, as required by the above Standards.



**Q. I have received a copy of a site inspection report for my property but I am not your contractual client:**

Whilst you are not our contractual client, as the owner of the property the Governments Building Control Performance Standards require that we notify you at the earliest opportunity where as part of our site inspection we have identified work being undertaken by your builder that is either non-compliant with the building regulations or is a potential non-compliance for instance where we need additional certification or information of some description.

It is important to note that as the owner of the property you are ultimately responsible for ensuring the buildings compliance with the Building Regulations, although we appreciate that you may have contracted with a builder to undertake the works for you in accordance with the Regulations. To reflect your ultimate responsibility we have provided you with a copy of our site inspection record as explained above. If the builder fails to rectify the non-compliant work or provide us with the necessary additional information it may be necessary for us to issue the requests in a more formal letter or in extreme circumstances a statutory notice which if ignored for a period of 3 months would result in us having to cancel our appointment as the Building Control Body and reverting control of the works to the Local Authority.

We would encourage you to discuss the content of the inspection report with your builder to ensure that the required alterations or information requests are dealt with promptly.

