



NFCC
National Fire
Chiefs Council

Regulation of the Building Control profession and
Building Control bodies,
Building Regulations,
Welsh Government,
Cathays Park,
Cardiff,
CF10 3NQ

The professional voice of the
UK Fire & Rescue Service

National Fire Chiefs Council
c/o 71-75 Shelton Street
Covent Garden
London
WC2H 9JQ

www.nationalfirechiefs.org.uk

Sent to: enquiries.brconstruction@gov.wales

16 June 2023

Consultation on the provisions Wales needs to make in regulations to support the changes to the Building Control profession and bodies in Wales.

The National Fire Chiefs Council (NFCC) is pleased to respond to the consultation published on 21 April 2023 *Regulation of the Building Control profession and Building Control bodies*.

NFCC is the professional voice of the UK fire and rescue services (FRSs) and is comprised of a council of UK Chief Fire Officers. This response was put together by NFCC's Protection Reform Unit (PRU).

This response was drafted in consultation with our members across Welsh FRSs and reflects their expertise and competence on the subject matter.

General Comments

NFCC are generally supportive of the changes Welsh Government are proposing to the Building Control regime in respect of the regulation of building inspectors and building control approvers and associated matters within this consultation. We agree that they are needed to implement the changes brought about by the Building Safety Act 2022 and that the proposals will help to improve standards in both safety and regulation in Wales.

However, NFCC would like to take this opportunity to reiterate our position that the ability for clients to choose their own building control body must be removed for all building work, not just buildings in scope.

NFCC have repeatedly through submissions into the Hackitt review and related Government consultations, strongly urged Government to remove the ability for people to shop around for their own regulator.

The consequences of introducing competition into the building control market, if done without any independent checks and balances, are well known.¹

The Building Act 1984 introduced the ability for developers to choose their own building control body (either the Local Authority or Approved Inspector) which brought with it commercial competition. In 1991 New Zealand adopted a broadly similar model of a performance-based building code, combined with the ability for private organisations to become Building Consent Authorities, 1997 saw Norway introduce a regulatory framework based on self-accreditation.

If not implemented carefully, a delegation of such important regulatory mandate can come with significant unintended consequences. Norway experienced wide-spread building faults, and ultimately found their system of self-regulation was not proving effective or appropriate. 2013 saw Norway partially overturn their 1997 framework. The principle of self-accreditation remains, however the framework is based on central approval, with the Norwegian Building Authority holding the responsibility to check qualifications for responsible enterprises.²

In New Zealand, problems also arose; in 2002 the Hunn report³ was published, documenting an emerging cladding crisis in New Zealand and similar issues in Canada. Eight years later in 2010 after much debate about who should pay, a mediation service and dedicated tribunal, the New Zealand Government announced a financial package to assist affected homeowners to get access to money to fix their cladding⁴. The scale of the economic problem was estimated at \$11 billion, with the responsible Minister describing it as 'equivalent to a natural disaster of huge proportions' with a possible 42,000 dwellings likely to have been affected.

Similar issues have emerged in Australia. Following Grenfell, by November 2017 the Victorian Cladding Taskforce had found⁵ that failings were symptomatic of broader non-compliance, with competitive commercial pressures that incentivised the taking of shortcuts. The taskforce proposed consideration be given to changes to the private surveyor model to improve levels of compliance, inspection and enforcement of building laws. The final report in July 2019⁶ made a raft of recommendations, including third party review on the use of performance solutions. As part of the Cladding Rectification Program⁷, the Victorian Government created Cladding Safety

¹ These can include lack of accountability, prioritising commercial interests over safety considerations, inconsistent application of standards across different building projects.

² http://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/707785/Building_a_Safer_Future_-_web.pdf at 116

³ <https://www.stepupgroup.co.nz/2002-the-hunn-report/>

⁴ <https://www.beehive.govt.nz/release/government-announces-leaky-homes-package>

⁵ https://www.planning.vic.gov.au/_data/assets/pdf_file/0016/90412/Victorian-Cladding-Taskforce-Interim-Report-November-2017.pdf

⁶ https://www.planning.vic.gov.au/_data/assets/pdf_file/0019/426034/DELWP0124_Victorian_Cladding_Taskforce_Final_Report_July_2019_v9.pdf

⁷ <https://www.planning.vic.gov.au/building-policy/cladding-rectification-program>

Victoria⁸, a dedicated agency established to help owners to rectify buildings identified through the Statewide Cladding Audit being conducted by the Victorian Building Authority.

British Columbia's 'Leaky Condo Crisis', was similar, with analogous lessons learnt. The Inquiry into the Quality of Condominium Construction in British Columbia found there to be case after case of ineffective regulation regarding responsibility and accountability at each stage of the construction process, including 'an inability on the part of municipalities to effectively monitor building quality, to make certain inspectors play a meaningful role in ensuring building standards, and to enforce building codes'. A recommendation was made to regulate and license the residential construction industry, explicitly rejecting self-regulation.⁹

A report by the World Bank¹⁰ in 2018 across 190 economies noted that integration of private sector entities should be accompanied by safeguards that favour the public interest over private profits; for such an arrangement to work as intended, the public sector should regulate private third-party professionals and firms. The report found that in 76% of economies that make use of third-party inspectors, regulations explicitly require the independence of third-party inspectors; they should have no financial interests in the project and should not be related to the investor or builder.

Current consultation

Our members report that they have not witnessed the universal culture change expected to be brought about from the Independent Review of Building Regulations and Fire Safety, and that they continue to see 'gaming' of the system.

Some design teams are still proposing designs with the height of the building intentionally millimetres under thresholds such as that banning the use of combustible wall materials, while admitting that this is intentional to seek flexibility with the materials used (i.e. combustible materials). This demonstrates that some within the industry are still not designing with safety in mind and are doing the very least required to achieve compliance.

In respect to this consultation, we hold two main concerns relating to timescales and cancellation notices as a result of a change of Registered Building Control Approvers (RBCA).

Timelines

NFCC is unsure whether a 6-month transition period is appropriate for the conversion from Approved Inspectors (AI) to RBCA. While we understand that the purpose of the transition period is to facilitate the implementation of the new regime, we believe that the duration should be determined based on the complexity and effort required to ensure a smooth and successful transition.

⁸ <https://www.vic.gov.au/cladding-safety>

⁹ http://www.qp.gov.bc.ca/condo/c2_i.htm

¹⁰ <https://www.doingbusiness.org/content/dam/doingBusiness/media/Annual-Reports/English/DB18- Chapters/DB18-Construction-permits.pdf>

It is important to consider that the transition period should not solely be determined by the time required for AIs to conclude their ongoing building projects, as this could create a sense of urgency among developers to complete their work before the new regime takes effect. Such time-based considerations may compromise safety standards and undermine the integrity of the transition process.

Cancellation notices

NFCC disagree with the timelines regarding new initial notices following cancellation of a previous notice. We do not believe that a period of seven days is sufficient for an incoming RBCA to familiarise itself with any type of project. This is especially true if the project is complex, and there are specific requirements that the RBCA must adhere to. A period of 14 days would seem more appropriate to ensure that the RBCA can adequately understand and familiarise itself with the project.

It is also not clear from the proposals whether the seven-day period includes the time it would take for the person carrying out the work (i.e. the client) to be made aware of the cancellation and find a new RBCA who may be willing to take on the project. If the seven-day period includes this time, then it would be even more challenging for a new RBCA to become familiar with the project and initiate the necessary process within such a short timeframe.

Welsh Government should reconsider the seven-day period and increase it to at least 14 days to ensure that incoming RBCAs have sufficient time to understand and familiarise themselves with a project. This will ensure that the necessary processes can be initiated without compromising the quality of the work being carried out.

NFCC also disagrees with the proposed time period of 21 days for the outgoing RBCA to provide information to the local authority and to the person carrying out the work. NFCC believes that a period of 14 days would be more reasonable. However, in special cases where an extension is required, an additional 7 days can be requested with appropriate reasons. This information should be readily available to the outgoing RBCA, and a shorter time period would help to prevent unregulated or unmonitored work from continuing during this period.

It is critical that the time periods within which fire and rescue authority consultation are to take place, include a process whereby the fire and rescue authority can request an extension to the timeframe for buildings that are particularly complex.

Some building designs are highly complex, and the level of detail required for an appropriate consultation can be technically detailed and vast. The larger consultations can potentially consist of tens of thousands of pages. Those complex consultations can also be accompanied by extensive use of validation tools such as CFD models. Therefore, a blanket timescale should not promote or encourage RBCA's consulting fire and rescue authorities to achieve a statutory deadline prior to being able to fully consider the detail, and determine compliance with Building Regulations.

NFCC believe that it would be valuable to understand the rationale for the cancellation. The reasons for cancellation may include the applicant choosing not to

proceed with the project, the project going in a different direction, or the applicant (i.e. company) no longer existing. By including this information, it will help to provide context to the cancellation, and enable the relevant authorities to have a better understanding of why the project was cancelled.

Yours sincerely,

A handwritten signature in cursive script that reads "N. Coombe".

Nick Coombe
Head of Protection
Protection Reform Unit

Organisation Information

Your Name:

Nick Coombe

Your Position (if applicable):

Head of Protection

Your Organisation (if applicable):

National Fire Chiefs Council

Email / Telephone Number:

ppruadminteam@nfcc.org.uk

Your address:

71-75 Shelton Street, Covent Garden, London, United Kingdom, WC2H 9JQ

Type of Organisation:

Professional body

In which specific countries do you operate?

NFCC is a UK-wide organisation, and our members include Chief Fire Officers and other senior members from fire and rescue services across England, Wales, Scotland, and Northern Ireland

Questions

Transition process for Approved Inspector (AI) regime ending and moving to the Registered Building Control Approver (RBCA) registration regime

Q1. Do you think that a 6-month transition period is appropriate?

- yes
- no
- unsure
- not applicable

Please provide an explanation for your answer.

The purpose of the transition period is to allow Approved Inspectors (AI) to become Registered Building Control Approvers (RBCA) and any transition period should reflect the time and effort required to implement this.

NFCC are clear that any period of transition should **not** be based on the likely time required for AIs to conclude building work (which could take years) as this could lead to attempts by developers to beat the clock on the new regime. This could potentially compromise safety and undermine the integrity of the transition process.

Q2 Do you agree that ending the ability for an AI (who is not registered as an RBCA) to oversee Higher Risk Building (HRB) work on day one of the new regime is appropriate?

- yes**
- no**
- unsure**
- not applicable**

Please provide an explanation for your answer.

The purpose of registration is to demonstrate that the AI has the necessary competence to oversee building work. Allowing AIs who do not register as building control approvers to continue to have regulatory oversight of higher-risk building work clearly goes against the policy intent of improving standards in both safety and regulation.

Q3 Do you think it is reasonable for RBCAs to be able to oversee the completion of existing HRB work in line with the transitional arrangements proposed?

- yes**
- no**
- unsure**
- not applicable**

Please provide an explanation for your answer.

NFCC believes that transitioning regulatory oversight of building work from one regulator to another late in the project's lifecycle can cause disruptions and delays as new regulators familiarise themselves with previously made decisions and completed work. Maintaining continuity by allowing the RBCA initially involved in the project to oversee the higher-risk building work offers clear benefits for development.

However, we believe that it is important to keep in mind the objectives of the new safety regime and the rationale behind Local Authority Building Control (LABC) having oversight of all higher-risk building work. Currently, the assessment process for competency in becoming an RBCA remains uncertain, making it unclear whether an RBCA would be suitable to continue overseeing higher-risk building work solely because work has already commenced.

Q4 Do you agree with the proposed approach to initial notices where higher-risk building work is uncommenced at the end of the transitional period?

- yes**
- no**
- unsure**
- not applicable**

Please provide an explanation for your answer.

While NFCC agrees that initial notices and plan certificates for higher risk building work that has not yet commenced should be cancelled, NFCC is concerned this could result in a rush of ‘commencement works’ that are solely intended to allow the higher risk building work to continue under the old regime.

Q5 Do you have any other comments in relation to the proposals?

No

Q6 Do you agree that where an AI and a RBCA are the same legal entity then, with some exceptions, the initial notices of the AI will be treated as the initial notices of the RBCA?

- yes**
- no**
- unsure**
- not applicable**

Please provide an explanation for your answer.

NFCC agree that where an AI and a RBCA are the same legal entity then the initial notices of the AI should be treated as the initial notices of the RBCA. This will provide continuity for all stakeholders involved in the process. It will also avoid potential delays caused by administrative burdens associated with transferring initial notices between regulators.

Q7 Where the AI and RBCA are not the same entity, do you agree that AIs should have a transitional period to complete non-higher risk building work?

- yes**
- no**
- unsure**
- not applicable**

Please provide an explanation for your answer.

NFCC considers the transitional period is a pragmatic approach to avoid creating a potentially unmanageable bottleneck that could otherwise result if both higher-risk

building work and non-higher risk building work transferring to the LABC at the same time.

Q8 Do you agree that six months is a reasonable transition time?

- yes**
- no**
- unsure**
- not applicable**

Please provide an explanation for your answer.

NFCC expects most AIs to undertake the process of becoming a RBCA, as the role of an AI who chooses not to become a RBCA remains uncertain in terms of involvement in building design and construction. The exact steps and timelines for completing and processing the registration to become a RBCA are currently unknown to NFCC.

The proposed 6-month transition period effectively provides AIs with a 12-month timeframe, starting from the opening of registration, to demonstrate their competency in becoming a RBCA. NFCC believes this duration should be more than adequate.

NFCC would hold serious concerns if AIs are still allowed to have regulatory oversight of the design and construction of potentially large-scale and complex buildings, such as medium-rise residential structures, which fall under the category of non-higher risk building work, beyond this time period.

Q9 Do you think a different length of transitional period would be more appropriate?

- yes**
- no**
- unsure**
- not applicable**

If yes, please specify for how long. Please provide evidence or an explanation for your answer.

N/A

Q10 Do you agree that higher-risk building work should be treated differently to non-higher risk building work in cases where an AI (who does not register as a RBCA) continues to operate after the new regime commences i.e. that they should continue to be able to oversee existing non-higher risk work for a transitional period but not higher-risk building work?

- yes**
- no**

unsure

not applicable

Please provide an explanation for your answer

NFCC believes that all building work should be supervised by competent regulators, and ideally, there would be no need for different implementation timescales for higher-risk and non-higher risk building work.

However, NFCC recognises that the proposed two-stepped approach will help address capacity issues that may arise if a significant number of projects must be transferred to the LABC due to AIs not becoming RBCAs within the permitted timescales.

Q11 Do you have any other comments on the proposals in relation to the transitional arrangements?

No

Registration

Q12 Do you agree that the delegation of the functions under Part 2A, except some relating to LAs, of the Building Act 1984 to another body is a pragmatic option for establishing and maintaining the registers of building inspectors and building control approvers for Wales?

yes

no

unsure

not applicable

Please provision an explanation for your answer.

NFCC acknowledges the scarcity of AIs located in Wales and agrees that delegating the responsibility of establishing and maintaining registers of building inspectors and building control approvers to the BSR is a practical solution. Considering that RBCAs will operate across borders, serving both England and Wales, this approach is expected to bring about broader efficiencies. For instance, individuals needing to verify the current registration status of an RBCA would only need to consult a single register.

Q13 Are there any functions proposed to be delegated that should not be delegated?

yes

no

unsure

not applicable

Please provision an explanation for your answer.

NFCC considers we are not best placed to answer this question.

Q14 Do you agree that the proposed registration length for an RBCA should be 5 years (as is currently the case for AI's)?

- yes
- no
- unsure
- not applicable

If you disagree, please suggest an alternative time period and provide your evidence/reasoning for this.

NFCC considers we are not best placed to answer this question.

Our primary concern lies in the necessity of establishing effective mechanisms that empower the BSR to take appropriate action, including the ability to vary, suspend, or cancel the registration of an RBCA in case of professional conduct violations. This aspect is more significant to us than the specific duration of the registration itself.

Q15 Do you agree that the proposed registration length for an RBI should be set at 4 years?

- yes
- no
- unsure
- not applicable

If you disagree, please suggest an alternative time period and provide your evidence/reasoning for this.

NFCC considers we are not best placed to answer this question.

Q16 Do you agree the principles for setting fees are fair and reasonable?

- yes
- no
- unsure
- not applicable

Please provide an explanation for your answer.

NFCC considers we are not best placed to answer this question.

Q17 Do you agree the scope of functions that we propose charging for is correct?

- yes
- no
- unsure

not applicable

Please provide an explanation for your answer.

NFCC considers we are not best placed to answer this question.

Q18 Do you have any other comments on these proposals?

No

Q19 Do you agree that the proposals in relation to appeals?

yes

no

unsure

not applicable

Please provide an explanation for your answer.

NFCC considers we are not best placed to answer this question.

Q20 Do you agree that 21 days is sufficient time for an appeal to be made to the magistrates' court?

yes

no

unsure

not applicable

Please provide an explanation for your answer.

NFCC considers we are not best placed to answer this question.

Q21 Do you agree with the grounds of appeal that are being proposed?

yes

no

unsure

not applicable

Please provide an explanation for your answer.

NFCC considers we are not best placed to answer this question.

Q22 Do you have anything further to add?

No

Q23 Are there situations in which you think it would be appropriate to require a copy of an improvement notice and statement of reasons that has been given to a RBCA to be provided to all local authorities in Wales?

yes

- no
- unsure
- not applicable

Please provide an explanation for your answer.

NFCC considers we are not best placed to answer this question.

Q24 Are there situations in which you think it would be appropriate to require a copy of a serious contravention notice and statement of reasons that has been given to a RBCA to be provided to all local authorities in Wales?

- yes
- no
- unsure
- not applicable

Please provide an explanation for your answer.

NFCC considers we are not best placed to answer this question.

Q25 Do you agree that 21 days is sufficient time for an appeal to be made to the magistrates' court?

- yes
- no
- unsure
- not applicable

Please provide an explanation for your answer.

NFCC considers we are not best placed to answer this question.

Q26 Do you agree with the grounds of appeal that are being proposed?

- yes
- no
- unsure
- not applicable

Please provide an explanation for your answer.

NFCC considers we are not best placed to answer this question.

Q27 Do you have anything further to add?

No

Q28 Do you agree that a copy of an order (and statement of reasons where required to be provided to the RBCA) and any subsequent revocation (in

respect of revocations under new section 58V(3)) should be sent to every local authority in Wales in the four circumstances proposed?

- yes
- no
- unsure
- not applicable

If no, which do you disagree with and why?

NFCC considers we are not best placed to answer this question.

Restricting the functions and activities of RBCAs and Local Authority Building Control

Q29 Do you agree with the proposal that the activities and functions included in the table should be “restricted”?

- yes
- no
- unsure
- not applicable

Please identify what activities or functions should be added or removed and include an explanation for your answer.

Q30 Do you think that that voluntary submissions of non-statutory plans and information with Initial notices and Building notices should be checked by a Registered Building Inspector and be listed a restricted activity?

- yes
- no
- unsure
- not applicable

Please provide an explanation for your answer.

NFCC considers we are not best placed to answer this question

Q31 Do you agree that there should not be any transitional arrangements for the restricted functions?

- yes
- no
- unsure
- not applicable

Please provide an explanation for your answer.

The wider transition process for the AI regime ending and moving to the RBCA registration regime already has the effect of creating transitional arrangements with regard to the restricted functions.

NFCC do not believe there should be any additional transitional arrangements as these are only likely to create further delays before the new regime is fully operational.

Changes to forms and notices (and linked processes)

Q32 Are there any additional circumstances, in addition to those set out in primary legislation, under which an RBCA, the person carrying out the work or local authority should be required to cancel the initial notice?

- yes**
- no**
- unsure**
- not applicable**

If so, please give details as to what those circumstances are.

NFCC considers we are not best placed to answer this question.

Q33 Do you agree or disagree with the information to be included in the cancellation notices?

- agree**
- disagree**
- unsure**
- not applicable**

If you disagree, please explain the reasons.

While not considered essential, in addition to the information already proposed to be included, in instances where the person carrying out the work (the applicant) decides to cancel the initial notice, there would be value in understanding the rationale for this.

Reasons may include the applicant is choosing not to proceed with the project, the project is going in a different direction or the applicant (i.e. company) no longer exists.

Q34 Do you agree or disagree that the categories in paragraphs 92-96 cover the necessary circumstances for a new initial notice to be submitted?

- agree**
- disagree**
- unsure**

not applicable

Please provide an explanation for your answer.

NFCC considers we are not best placed to answer this question.

Q35 Do you agree or disagree with the additional circumstance of business cessation as in paragraph 96 for which a new initial notice may be given?

agree

disagree

unsure

not applicable

Please provide an explanation for your answer?

It is not the fault of client if a RBCA goes out of business. There needs to be a mechanism in place to allow the development to continue with minimum disruption to the client.

Q36 Is a period of seven days sufficient for an incoming RBCA to submit a new initial notice?

yes

no

unsure

not applicable

If not, please state how long you think would be sufficient and give reasons for you answer.

NFCC acknowledges the need to ensure projects are not left in a state of limbo following the cancellation of an initial notice (regardless of the reason). However, seven days is considered a very short a period for a new RBCA previously unfamiliar with a building design, especially if it is complex, to become familiar with it enough to initiate the necessary process. A period of 14 days would seem more appropriate.

It is not clear from the proposals whether the seven-day period includes the time it would take for the person carrying out the work (i.e. the client) to be made aware of the cancellation and find a new RBCA who may be willing to take on the project. If it does, then the seven-day period would be appear to be even less feasible.

Q37 Do you agree or disagree that the categories cover the necessary circumstances for a new initial notice to be submitted?

agree

disagree

unsure

not applicable

Please provide an explanation for your answer.

NFCC considers we are not best placed to answer this question.

Q38 Do you agree or disagree with the proposal to specify that the information detailed in paragraph 101 must be included in the transfer certificate?

- agree
- disagree
- unsure
- not applicable

Please provide an explanation for your answer.

NFCC is pleased to see that previous correspondence with the FRS is included as part of the information which the transfer certificate must contain.

Q39 Where a local authority has accepted an initial notice from an “incoming” RBCA, is the time frame of 21 days reasonable for the RBCA to give a transfer certificate and report?

- yes
- no
- unsure
- not applicable

If not, how long do you think would be sufficient? Please give reasons for your answer.

NFCC considers we are not best placed to answer this question.

Q40 Is the time frame of 21 days for the Local Authority to consider the transfer certificate and report and decide as to whether to accept or reject it is reasonable, currently this period is extended by 7 days in some circumstances (see new section 53C)?

- yes
- no
- unsure
- not applicable

If not, how long do you think would be sufficient? Please give reasons for your answer.

NFCC agree that 21 days seems reasonable. The process of considering and accepting or rejecting a transfer certificate is potentially a much more complex process than the initial application and it is appropriate to allow a longer period of time (i.e., 21 days) to consider the large amount of information involved.

Q41 Following receipt of a transfer certificate and report, where a local authority has requested additional information, is the time frame of 7 days for the “incoming” RBCA to provide the information reasonable?

- yes**
- no**
- unsure**
- not applicable**

If not, how long do you think would be sufficient? Please give reasons for your answer.

For information that already exists and that the RBCA holds, seven days would be considered reasonable to request for it to be provided.

However, where the local authority is requesting information that the RBCA may need to obtain from a third party, NFCC believes that a longer period would be necessary and should be agreed between both parties.

Q42 Do you agree or disagree that the list covers the grounds under which a local authority should be able to reject a transfer certificate and report?

- agree**
- disagree**
- unsure**
- not applicable**

Please provide any further comments.

NFCC considers we are not best placed to answer this question.

Information gathering

Q43 Is the prescribed period of 21 days for the outgoing RBCA to provide this information reasonable?

- yes**
- no**
- unsure**
- not applicable**

If not, please explain what you think a reasonable period would be and why.

NFCC believes that 14 days seems like a more reasonable time period. In special cases, an extension of 7 days can be requested with appropriate reasons.

This information should be readily to hand for the outgoing RBCA and we can foresee no reason why such a long time period would be required, considering that unregulated or unmonitored work could be continuing during this period.

Further amendments to The Building (Approved Inspectors etc.) Regulations 2010

Q44 Do you agree or disagree that the additional information should be included on the relevant forms?

- agree**
- disagree**
- unsure**
- not applicable**

If not, please explain.

The initial notice should include details of the RBCA's/inspector's scope of registration to ensure that the application is within the limitations of their registration.

Q45 We would like to know your views on the effects that the proposed policies would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

N/A – NFCC is not aware of any effect that the proposed policies would have on the Welsh language.

Q46 Please also explain how you believe the proposed policies could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language. Please enter here:

N/A – NFCC is not aware of how the proposed policies could be formulated or changed so as to have positive effects or increased positive effects on the Welsh language.

Q47 We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them. Please enter here:

Although this consultation focuses on the regulation of the Building Control profession and bodies, it also includes proposals relating to the broader building regulations process. Our comments below concern these broader aspects.

Plans certificates can be used to demonstrate that detailed plans of building work (or a part of it) comply with the Building Regulations and are specific to the role of Approved Inspectors. There are clear benefits to having a formal record of the building's design that was approved at the Building Regulations stage, and although not referenced within this consultation, NFCC would support the wider use of plans

certificates for any work - provided it falls under the building regulations – to all non-higher risk buildings that fall under the Regulatory Reform (Fire Safety) Order 2005.

Where plans certificates are issued, NFCC supports them being sent to FRS so that they have a record of the design that has been signed off as compliant with building regulations.

Another aspect briefly addressed in this consultation, albeit lacking detailed discussion, concerns consultation timescales, particularly concerning consultations with the FRS. Currently, it is common for FRS to be consulted on premises towards the end of the construction process under the existing Building Regulations regime. This practice presents challenges in accommodating additional requirements under the Fire Safety Order and provides limited opportunity to address any FRS-related issues concerning Building Regulations, as certain construction stages may have already been completed. One possible solution is to introduce timescales for FRS consultation after the submission of an initial notice.