

## OPINION



**Andrew Foolkes** considers the role of the building control body as part of the project team

# Crossing boundaries

**H**aving always aspired to work in the fire safety engineering profession, I have made a long and at times not altogether smooth journey from working in public and private sector building control before making the 'gamekeeper turned poacher' transition to fire safety engineer.

I was fortunate to have a supportive employer and after completing my APC, I was sponsored through a part-time MSc in fire and explosion engineering at the University of Leeds.

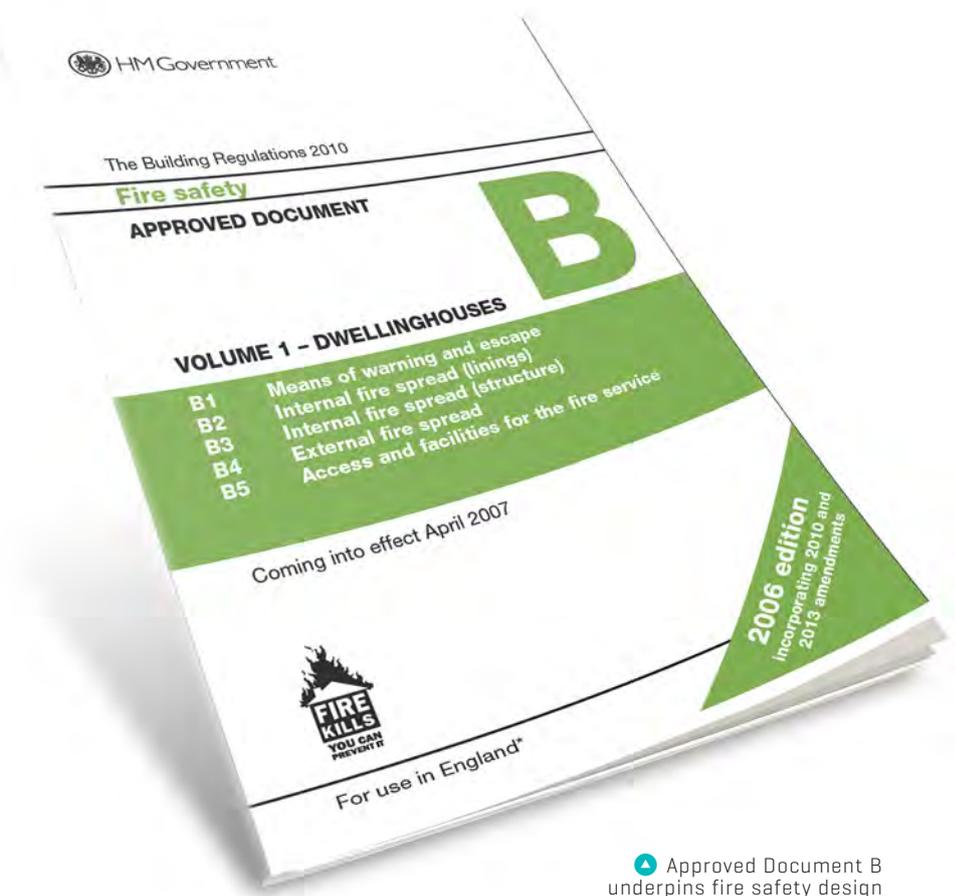
The professional skills I acquired in building control were excellent preparation, improving my confidence to speak in front of people, and enhancing my communication skills as a result of numerous design team meetings and presenting lunchtime CPD seminars.

My experience also gave me a sound knowledge of the legislation underpinning fire safety design and a good appreciation of the inter-relationship between the Approved Document B (ADB) and the rest of the Approved Documents and legislative framework.

Site inspections at various stages of the construction process gave me an understanding of how a building all fits together, and this, coupled with training in identifying building defects, such as inappropriate fire stopping, was invaluable.

Stepping out of the building control and having spent significant time working on the design side of fire safety has given me the chance to take stock and reflect on the role of the building control body (BCB) as part of the project team.

Project team meetings are often short, and building control probably would not



▲ Approved Document B underpins fire safety design

be invited back if they did not provide advice. However, when met with the familiar, "tell me what I need to do and I will do it", or "if building control sign it off, it will be OK", how should the BCB react?

The building control function is clearly an integral part of project delivery, but my experiences have made me question where advice becomes design and the implications of this for all involved. At what point does the pendulum swing too far?

## CDM Regulations

The draft Construction (Design and Management) Regulations 2015 (see p10), due to be implemented on 6 April, make the following statement regarding building control as designers:

*"Local authority or government officials may give advice and instruction on designs meeting statutory requirements, but this does not make them designers. A designer may have no choice but to comply with these requirements which*

are a design constraint. However, if statutory bodies ask for particular features to be included or excluded which go beyond what the law requires, then they may become designers under CDM 2015 and must comply with the requirements.”

In relation to fire safety, what does the law actually require? Well, Building Regulations are functional in terms of life safety in that the regulatory requirement set out in regulations B1 to B5 does little more than state that “buildings should be safe in fire”.

Therefore, even pointing out the relevant clauses in ADB could be construed as design since the provisions in the document are not requirements and are simply one way of designing to meet the functional requirement. Therefore, any building control body leading the project team to comply with ADB guidance is, in fact, acting as a designer.

There are other ways that the boundary can easily be crossed. Consider the following scenario.

During the refurbishment of an existing building as part of works constituting a material alteration, it is discovered that the cover to reinforcement at the soffit of concrete floor slabs is significantly less than current guidance requires and, in fact, less than the original design for the building required. The advice provided to the project team by the appointed fire engineer is that works should be carried out to upgrade protection in appropriate areas.

The main contractor would prefer to not have to do the upgrade works and seeks the opinion of the BCB. How should the BCB respond to avoid acting in a design role?

## Liability

The root of the conflict between design and approval stems from the misconception within project teams that “as long as building control sign it off, it will be OK”. The erroneous perception is this “sanctioning” of the design somehow provides a degree of immunity to the rest



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of the design team as the liability, should anything go wrong in the future, has been “transferred” to building control.

When building control is asked for its opinion as part of the design/project team, what should they say? The contractor puts pressure on the BCB to advise that the situation was being made no worse and that no further works would be necessary to meet the requirements of the Building Regulations.

However, while probably technically correct, this advice may leave the end user and architect unknowingly exposed, should the design be found to be deficient or claims of deficiency made.

It would be very easy for building control to accidentally incriminate themselves as designers. However, it is not the responsibility of building control to provide the design solution or proffer design advice. It is the inherent skill and responsibility of a building control surveyor to review, appraise, evaluate and judge the acceptability of the presented design solutions and then ponder, digest, ruminate, contemplate, on the acceptability of the solution to meet the functional requirements of the Building Regulations.

## Building control role

Whether plan vetting or assessing work completed on site, building control's role is quality assurance i.e. assessing

as far as reasonably practicable that solutions presented to it meet a minimum standard; the functional requirements of the Building Regulations.

In an industry still in the fragile stages of recovery, BCBs appear to be aspiring to differentiate themselves and in some respects could be accused of diversifying from their core business of quality assurance and trying to be too helpful.

As a consequence, the contribution of the building control function to the construction industry has been subtly manipulated over the past few years, primarily due to clients' changing expectations. It is up to building control professionals as RICS surveyors to maintain the highest ethical and professional standards while discharging their duties.

As a profession, and as members of RICS, there is a responsibility to shape both the role and the perception of the profession in the wider construction industry. Given the scrutiny in recent times, as well as ever reducing numbers, it is incumbent on us all to reaffirm that building control is the quality assurance mechanism in the construction industry.

Considerable pressure can be put on the BCB to provide a design solution but although this can be quite tempting, it is the responsibility of the individual surveyor to determine whether the proposal meets the functional requirements as part of the project team, not the design team. At most, the role of the BCB should be to provide advice to assist the designer in solving the issue, not presenting the solution. ●

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