



Building Regulations Advisory Committee
Annual report 2010



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Department for Communities and Local Government
Eland House
Bressenden Place
London
SW1E 5DU
Telephone: 030 3444 0000
Website: www.communities.gov.uk

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Introduction by the Chair and Deputy Chair

We are pleased to present this latest report on the advisory work carried out by the Building Regulations Advisory Committee (BRAC) covering the calendar year of 2010. The Committee's long history in helping to develop and establish building regulations plays a key role in ensuring safe, accessible and energy efficient buildings. The Committee continued to work closely with officials in the Department to provide technical and strategic advice and views on a broad range of issues related to buildings and building regulations/standards.

During 2010, BRAC assisted the Department in giving their views and comments on a range of areas, including: The 2013 Review of Building Regulations; Consolidation of the Building Regulations 2010; Terms of Reference for the 2010 Review of Lifetime Home standards; Reviews of Parts L (Conservation of Fuel and Power), F (Ventilation), Part J (Combustion Appliances and Fuel Storage). The Simplification Plan and actions the Government should take to remove/reduce costs without undermining policy intention; Compliance and the Building Control System; the Approved Document Review and the UK Implementation of the EU Construction Products Regulations. Further details of BRAC's involvement during 2010 are covered in the pages which follow.

On 12 October we were pleased to meet with the minister with responsibility for Building Regulations to discuss the Committee's work including areas of immediate interest.

We would like to express our appreciation for the continuing hard work, expertise and breadth of knowledge, displayed by members of BRAC during 2010, together with a special thank you to Dr Alastair Soane and Peter Warburton who stood down on 31 January 2011. We also appreciate the support of the BRAC Secretariat team which enabled the Committee to function effectively. BRAC looks forward to continuing to advise and support ministers and officials in their work.



Michael Finn, MBE



Michael Finn was appointed Chair of BRAC in January 2002 and was reappointed in 2009 for a final term until December 2011. He first became a member in July 1991 and has therefore to date given 20 years service to the Committee. Michael is a chartered surveyor, who was formally an equity partner in Drivers Jonas, Chartered Surveyors, and now practices as an independent property consultant. He is past President of the Building Surveyors Division of the RICS and the Association of Consultant Building Surveyors. His experience in both the public and private sectors covers many areas of building construction and management involving both the existing building stock and new construction. Michael was awarded the MBE in the Queen's Birthday honours list 2008 in recognition of his considerable service to building standards.

Neil Cooper



Neil Cooper has served as a member on the Committee since October 2006 and was reappointed in 2009 for a further term until September 2012. He was selected for the role of Deputy Chair of BRAC in February 2009.

Neil is a chartered surveyor and is currently Managing Director of MLM Building Control Ltd. He is a founding member and former Chair of the Association of Consultant Approved Inspectors and served as a policy committee member of the Consortium of European Building Control. He has provided consultancy and expert witness evidence to UK and international Governments on Building Control policy and regulatory issues. Commencing his career in construction management he has experience of public and private sector construction and control in a wide range of new and existing buildings.

Background on the Building Regulations

The work of the Building Regulations Advisory Committee (BRAC) is concerned with the provision of advice on building regulations applicable in England and Wales. Comparable committees exist in Northern Ireland and Scotland. The Welsh Ministers (Transfer of Functions) (No.2) Order 2009 will transfer the power to make building regulations and other executive functions in the Building Act to Welsh Ministers. BRAC's remit will therefore be restricted to England only from 1 January 2012. From that date, the Committee will be BRAC for England - BRAC(E) only.

The powers to make building regulations are contained in the Building Act 1984, as amended by the Sustainable and Secure Buildings Act 2004. Building regulations may be made for the purpose of: securing the health, safety, welfare and convenience of persons in or about buildings; furthering the conservation of fuel and power; preventing waste, misuse or contamination of water; furthering the protection or enhancement of the environment; facilitating sustainable development; and furthering the prevention or detection of crime.

The principal Building Regulations 2000 (as amended) contain procedural requirements and a broad range of what are termed functional requirements with which anyone carrying out building work subject to the regulations must comply. The regulations apply to most new buildings and many alterations or changes of use of existing buildings, whether domestic or non-domestic. The functional Requirements are grouped under fourteen 'parts' (A, B, C, etc), as listed below and, in essence, they provide a baseline of minimum standards to assure the delivery of 'fit for purpose' new and refurbished buildings.

Part

- A Structure
- B Fire safety
- C Site preparation and resistance to contaminants and moisture
- D Toxic substances
- E Resistance to the passage of sound
- F Ventilation
- G Sanitation, hot water safety and water efficiency
- H Drainage and waste disposal
- J Combustion appliances and fuel storage systems
- K Protection from falling, collision and impact
- L Conservation of fuel and power
- M Access to and use of buildings
- N Glazing – safety in relation to impact, opening and cleaning
- P Electrical safety – dwellings

Regulation 7 – Materials and Workmanship

The Building Regulations are supported by statutory Approved Documents which give detailed technical guidance on ways to comply with the regulations. Local authorities, private sector approved inspectors and competent person schemes exercise a building control function to ascertain that the requirements of the Building Regulations have been complied with. Only local authorities have a statutory enforcement function. More detailed information on the Building Regulations can be found on the Department for Communities and Local Government's (hereafter referred to as "the Department") website:

<http://www.communities.gov.uk/planningandbuilding/buildingregulations/buildingregulationsadvisory/>

Terms of reference

The Building Regulations Advisory Committee was originally established in April 1962 under Section 9 of the Public Health Act 1961, which has been superseded by Section 14 of the Building Act 1984. The terms of reference of BRAC contained in Section 14 are to advise the appropriate Secretary of State (currently the Secretary of State for Communities and Local Government) on the exercise of the power to make building regulations and on other subjects connected with the regulations, in England and Wales. Section 14 also places a duty on the Secretary of State to appoint a BRAC and to consult the Committee (and other relevant stakeholders) before making any building regulations containing substantive requirements. In practice, BRAC is used as a sounding board on most matters affecting building regulations/standards. Consultation is primarily carried out via officials of the Department's Sustainable Buildings Division (now called the Building Regulations and Standards Division). BRAC is defined as an advisory non-departmental public body and is also designated as a Scientific Advisory Committee under the Government's Code of Practice for Scientific Advisory Committees 2001.

Membership

The Building Regulations Advisory Committee consists of appointed members and appointments are currently made jointly on behalf of the Secretary of State for Communities and Local Government and the Secretary of State for Wales in open competition, with full regard to the Commissioner for Public Appointments' Code of Practice for Ministerial Appointments to Public Bodies. Terms of appointment are usually for two or three years and members can be reappointed for terms up to a total of ten years, subject to satisfactory performance assessments and balanced against the case for new members. There is no prescribed minimum or maximum number of members of BRAC. Members are appointed on an independent basis to represent particular areas of expertise and experience, relevant to building regulations, rather than as delegates of particular organisations or interest groups. Full details of the membership during the year can be found at the end of this report.

All members (including the Chair and Deputy Chair) are unpaid for their work on BRAC, but can claim travel and other expenses, including loss of earnings, as appropriate. Members are provided with a *Member's Handbook* containing guidance on membership and are expected to adhere to a code of conduct detailed therein, which includes procedures for declaring any conflicts of interest. The Member's Handbook can be found on the BRAC web pages on the Department's website:

<http://www.communities.gov.uk/planningandbuilding/buildingregulations/buildingregulationsadvisory/>.

A *Register of Members' Interests* is also maintained by the BRAC Secretariat, to which members are required to contribute.

Sponsorship/secretariat

By convention, the Secretary of State for Communities and Local Government has responsibility for making and amending building regulations in England and Wales and thereby for consultation with BRAC. The Secretary of State is also accountable to Parliament for the policies and performance of the Committee, and for the resources allocated to its operation. BRAC is therefore sponsored by the Department but, as the Committee covers England and Wales (up to 31.12.11), Welsh Assembly Government officials liaise closely with the Department's officials and a representative attends BRAC meetings as an observer (representatives of the other devolved administrations in Scotland and Northern Ireland also attend as observers).

The Secretariat function for BRAC is provided by officials from the Department's Building Regulations and Standards Division (formerly Sustainable Buildings Division) who can be contacted at:

Department for Communities and Local Government
Zone 5/E8, Eland House
Bressenden Place
London SW1E 5DU
Tel: 0303 444 1819/3
Email: brac@communities.gsi.gov.uk

Website: www.communities.gov.uk/brac

The main tasks of the BRAC Secretariat involve: operating the procedures for the ministerial appointment of members, including recruitment exercises; making arrangements for main Committee meetings and awaydays, including preparing/co-ordinating and circulating agendas, briefings, papers and minutes; arranging for publication of documents in accordance with the BRAC publication scheme, processing expenses claims and overseeing the budget; and co-ordinating production of annual reports and other publications.

Public bodies are required to adopt and maintain a scheme for the publication and availability of information in accordance with Section 19 of the Freedom of Information Act 2000. The BRAC Secretariat has prepared and maintains a BRAC Publication Scheme, which BRAC members and the Information

Commissioner have approved. The publication scheme can be found on the BRAC web pages, along with BRAC agendas, papers, minutes, annual reports and other information, which are published in accordance with the scheme.

Resources

The Building Regulations Advisory Committee is not grant-aided and has no resources (i.e. budget, staff or accommodation) of its own, but its running costs are funded by the Department. The total expenditure in 2010 was £7,102.12 which was primarily used to cover members' expenses and the costs of holding meetings.

BRAC's advice and activities during 2010

BRAC provided advice during 2010 on aspects of the Building Regulations and the supporting Approved Documents and on other initiatives related to building standards. Its main business was held in three all day Committee meetings at the Department on 5 February, 16 July and 30 September. The Committee was also occasionally consulted and given information updates via email.

BRAC establishes working parties, when appropriate, to help formulate its advice and develop proposals on technical reviews and other specialist matters related to the Building Regulations. No working parties were in operation during 2010.

BRAC held an awayday in London on 5 November. These days are held to consider strategic or key topical issues away from the pressures of normal business and assist the Committee in carrying out its advisory role to Ministers. The general theme for the 2010 awayday was 'Supporting Government Priorities' – the Committee discussed improving compliance in the small medium enterprises and domestic sector, upgrading the existing stock and accelerating the pace of change of Part L.

Issues considered in 2010

During 2010 the main Building Regulations Advisory Committee was consulted by the Department and advised on a number of issues and were kept up to date with developments through update papers. Details of the BRAC papers are listed below:

Main BRAC Papers in 2010

"P"= Paper number	
P1	2009 Awayday paper
P2	Publication of CPS Consultation Document & Monitoring report on Competent Persons Schemes
P3	SB 2010-11 programme
P4	Part J Review
P5	Parts L & F review
P6	Lifetime Homes review 2010
P8	Skills for housebuilding
P9	NI, Scotland & Wales update
P10	Sustainable Buildings update paper
P11	Parliamentary Questions
P12	Parts A & C update
P13	Part G update
P14	Competent Persons Schemes
P15	Building & AI Regulations 2000
P16	Lifetime Homes standards
P17	Consolidation of the Building Regulations
P18	2010 Implementation
P19	Better/Deregulation Initiatives
P20	Future Iteration of Part H (Drainage and Waste Disposal)
P21	Changes to the Building Control System
P22	Competent Persons Schemes: Current Applications and Implementation of the proposals in the recent Consultation Document
P23	CODE for Sustainable Homes: Consultation Results
P24	EU Construction Products Regulation (Next steps and plans for Implementation)
P25	Updates from NI, Wales and Scotland Administrations
P26	Sustainable Buildings – Information Updates
P27	Parliamentary Questions
P28	2013 Building Regulations
P29	2013 Part L (Conservation of Fuel and Power)
P30	Compliance and Building Control System
P31	The Consolidation of Building and Approved Inspectors Regulations 2010 and Potential Repeal of Fire Protection Provisions of Local Acts
P32	Updates from Northern Ireland, Scotland and Wales Administrations
P33	Sustainable Buildings – Information Updates
P34	Parliamentary Questions
P35	Casework – Determinations and Appeals
P36	Zero Carbon – Non Domestic Buildings
P37	BRAC meeting dates in 2011
P38	Building Regulations 2013 Review

BRAC MEMBERSHIP DURING 2010

Chair	Michael D Finn, MBE, FRICS, FBEng, FRSA, MCI Arb Chartered Building Surveyor and Building Engineer. Fox Management & Consulting.
Deputy Chair	Neil Cooper, Dip Surv, FB Eng, MRICS, MIOD Chartered Surveyor. Managing Director MLM Building Control Ltd. Member CIC Approved Inspector Management Board.
Mrs Tracy Aarons, FRICS, MIFireE, BEng(Hons), MSc Group Manager, Built Environment, Mendip District Council.	David Mitchell, MBIOM, ACIOB, AABE, FRSA Technical Director, Home Builders Federation.
Professor Keith Bright, MSc, FRICS, IEC, FBEng, MCI OB, NRAC Emeritus Professor of Inclusive Environments, The University of Reading. Access Consultant. Director, KBC Ltd.	Andrew Shipley, MRICS, Dip Env Acc AA Lifetime Homes Coordinator, Habinteg Housing Association.
Peter Caplehorn, BA Arch, Dip Arch, RIBA, CIBSE, ARB Technical Director, Scott Brownrigg, Architectural practice.	Dr Alastair J M Soane, BSc, PhD, CEng, FICE, FStructE* Director of Confidential Reporting on Structural Safety (CROSS). Visiting Professor, Department of Civil Engineering, University of Liverpool.
Alan Crane, CBE, C.Eng, FICE, FCI OB, FCMI, MIOD Chairman, 3C's Construction Consultancy Services. Chartered Engineer.	Ms Lynne Sullivan, OBE, BA(Hons), DipArch RIBA, FRSA Partner, SustainableByDesign LLP.
Nicholas Cullen, BSc(Hons), CEng, FCIBSE, FEANI Research and Development Partner, Hoare Lea & Partners.	John Tebbit, BSc(Hons), CEng, MICE Chartered Civil Engineer. Non-Executive Director, Robust Details Limited. Industry Affairs Director, Construction Products Association.
Trevor Haynes, CEnv, FBEng, FRICS, FCI OB, MCMI, DMP Assistant Director, Building and Consultancy Services, Birmingham City Council. Director of Local Authority Building Control Advisory Services Ltd (LABCAS).	Arumugathan Thirumoolan, BSc(Hons), CEng, MICE, FRICS Chartered Civil Engineer & Surveyor.
Adrian Levett, BSc (Hons), MSc, FAPEA, MTSI Consultant in Change Management.	Peter Warburton, MSc, FCIBSE, CEng* Consultant, Ove Arup & Partners Ltd. Building services, IT, energy and more sustainable design – freelance technical writer.
	Stephen Wielebski, MSc (Dist), C Env, P Eng, MSPE, FCI OB, FBEng, ACI Arb, FRSA Divisional Development Director, Miller Homes Limited. Civil Engineer, Professional Engineer, Chartered Environmentalist and Chartered Builder

* Membership concluded on 31 January 2011

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