



Department for
Communities and
Local Government

Building Regulations Advisory Committee

Annual Report 2011 & 2012

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(1) Background to the Building Regulations Advisory Committee

The work of the Building Regulations Advisory Committee is concerned with the provision of advice on building regulations applicable in England. Comparable committees exist in Northern Ireland and Scotland and now Wales too with effect from the end of 2011 following the transfer of this function to the Welsh Government.

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' as listed below and, they provide a baseline of minimum standards to assure the delivery of 'fit for purpose' new and refurbished buildings.

Part	Topic
Part A	Structure
Part B	Fire Safety
Part C	Site Preparation and Resistance to Contaminants and Moisture
Part D	Toxic Substances
Part E	Resistance to the Passage of Sound
Part F	Ventilation
Part G	Sanitation, Hot Water Safety and Water Efficiency
Part H	Drainage and Waste Disposal
Part J	Combustion Appliances and Fuel Storage Systems
Part K	Protection from Falling, Collision and Impact
Part L	Conservation of Fuel and Power
Part M	Access to and Use of Buildings
Part N	Glazing – Safety in Relation to Impact, Opening and Cleaning
Part P	Electrical Safety

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.

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 the Committee 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 Building Regulations Advisory Committee and to consult the Committee (and other relevant stakeholders) before making any building regulations containing substantive requirements. In practice, The Committee 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). This Committee 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.

(2) Summary of the Committees Work Programmes for 2011 and 2012.

During both years the Committee continued to work closely with officials in the Department for Communities and Local Government's Building Regulations and Standards Division to provide strategic and technical advice and views on a broad range of issues related to Building Regulations in relation to various different parts of the regulations to both inform the future programme and steer and guide on specific areas.

In 2011 the Committee was heavily involved in advising and guiding the work-programme and inputted into several specific work areas including the updates to the suite of approved document and impact of the: Consolidation of the Building Regulations 2010 and input into Reviews of Parts L (Conservation of Fuel and Power), F (Ventilation), and Part J (Combustion Appliances and Fuel Storage). They also made a significant contribution to 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 European Union Construction Products Regulations. A full list of papers considered at the three BRAC main committee meetings in 2011 is included at Annex A. The Committee also established a series of working parties, to help formulate its advice and develop proposals on technical reviews and other specialist matters related to the Building Regulations. For 2011 these were established for a number of parts of the building regulations including Parts A (Structure), C (Site Preparation and Moisture/Contaminant Resistance), L (Conservation of Fuel and Power) M (Access and Use of Buildings), K (Protection from Falling, Collision and Impact) and N (Glazing) and P electrical safety. The Committee also holds an annual strategy day to consider key topical issues away from the pressures of normal business and through it assist the main Committee in carrying out its advisory role to Ministers. The theme for this in 2011 was compliance, and how to improve performance on it from the existing building stock.

Similarly in 2012 there were a number of examples where the Building Regulations Advisory Committee made a significant contribution including the development of Competent Persons Schemes and the Green Deal. The Committee was also engaged in the consideration of the priority areas for action under the Red Tape Challenge initiative, and in the planning for the 2013 reviews of the suite of Approved Documents, and reviews of Part L (Conservation of Fuel and Energy) and Part P (Electrical Safety). A full list of papers considered at the three BRAC main committee meetings in 2012 is included at Annex A. 2012 also saw the establishment of a specific working group to consider how Behavioural Change influences or needs to influence building regulation and deregulation which began to report initial findings at the 2013 sessions of the main committee. The other working parties established in 2011 also continued to operate and help formulate Committee advice and proposals on technical reviews in 2012 as well.. The 2012 strategy day was used to discuss the Building Information Model and carbon reduction for the existing building stock.

The Building Regulations Advisory Committee had a change of vice-chairman in 2012 with Peter Caplehorn taking the post in May 2012. This was necessitated by Neil Cooper taking the chairmanship after Michael Finn MBE reached the end of his three terms of office. The Department would like to express their thanks for Michael Finn MBE for his service on the committee and acting in the role of Chairman. Alongside that the Department would also like to note the contribution of Dr Alastair Soane, Lynne Sullivan, Arumugathan Thirumoolan and Peter Warburton who all stood down in 2011 having served their three terms of office. A full list of Committee Members for both 2011 and 2012 is provided at Annex B. The work of the other members of the Committee over the last two years is also formally noted, recognised and appreciated by the Department.

(3) Membership, Sponsorship and Secretariat

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 for the Committee. They 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.

All members (including the Chair and Deputy Chair) are unpaid for their work on the Committee 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.

By convention, the Secretary of State for Communities and Local Government has responsibility for making and amending building regulations in England and therefore for consultation with the Building Regulations Advisory Committee. 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. The Committee is therefore sponsored by the Department and covers England. Wales, Scotland and Northern Ireland operate their own separate Building Regulations Advisory Committee but a representative from the three Devolved Administrations attend the main meetings of this Committee as observers to ensure a continued close relationship and partnership.

The Secretariat function for the Building Regulations Advisory Committee 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 2079/1819
Email: brac@communities.gsi.gov.uk

Website: www.communities.gov.uk/brac.

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 Secretariat has prepared and maintains a Building Regulations Advisory Committee Publication Scheme, which the members and the Information Commissioner have approved. The publication scheme can be found on the Committee web pages, along with agendas, minutes, annual reports and other information, which are published in accordance with the scheme.

(4) Resources and Expenditure 2011 and 2012

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 2012 was £5,977.48 which was primarily used to cover members' expenses and the costs of holding meetings. For 2011 the expenditure was £2,249.37.

Annex A: BRAC Meeting Paper List 2011 and 2012

(a) Building Regulations Advisory Committee Paper List for 2011

“P”= Paper number			
P1	Compliance with the Building Regulations	P17	Effect of Microbusiness on Moratorium on 2013 Review
P2	Competent Persons Schemes	P18	Overview of the Programme for the 2013 review – Seeking BRACs views
P3	Seeking BRACs Views and Involvement in the 2013 Work Programme	P19	Part P (Electrical Safety – Dwellings)
P4	UK Implementation of the EU Construction Products Regulation	P20	Part L: 2013 Review (Conservation of Fuel and Power)
P5	Future of the Planning Portal	P21	Zero Carbon Buildings – Seeking BRACs views
P6	Updates from Wales, NI and Scotland	P22	Local Standards Framework and CODE for Sustainable Homes
P7	Sustainable Buildings – Information Updates	P23	Updates from Wales, NI and Scotland
P8	Parliamentary Questions	P24	BCS Changes Update
P9	Sustainable Buildings Updates	P26	Part P Working Party Report
P10	BRAC Membership 2011	P27	Part L Working Party Report
P11	Casework – Determinations and Appeals	P28	Update on Technical Parts of Building Regulations
P12	Implications of National Standards For Sustainable Drainage	P29	Zero Carbon Buildings Update
P13	Implications on Building Regulations of Changes to Sewer Law	P30	Updates from Wales, NI and Scotland
P15	Parliamentary Questions	P31	Sustainable Buildings – Information Updates
P16	Building Control System	P32	Casework – Determinations and Appeals

(b) Building Regulations Advisory Committee Paper List for 2012

“P”= Paper number	
P1 Update on 2012 Consultation	P17 NI, Scotland and Wales update
P2 Red Tape Challenge	P18 Casework
P3 Building Regulations & Standards Division Research Programme 2012/13	P19 Building Regulations and Standards Update
P4 Green Deal and Consequential Improvements	P20 Amendments to Building Regulations for October
P5 Behaviour Change	P21 Competent Persons Schemes
P6 Competent Persons Schemes	P22 Competent Persons Schemes – Fit for Purpose?
P7 NI, Scotland and Wales update	P23 Proposed Building and Approved Inspectors (amendment) Regulations Including Update on the Building Control
P8 Building Regulations and Standards Update	P24 Update on the 2013 Review on Proposed Technical Changes to the Building Regulations
P9 Parliamentary Questions	P25 Report by Technical Working Party for the Part L 2013 Review
P10 Red Tape Challenge	P26 Report by Technical Working Party for the Part P 2013 Review
P11 Update on the 2012 Consultation on Proposed Changes to the Building Regulations – Section 1	P27 Triennial Review of BRAC
P12 2012 Consultation: Section 2	P28 NI, Scotland and Wales update
P13 Report by Technical Working Party for the Part P 2013 Review	P29 Building Regulations and Standards Update
P14 2013 Consultation on Changes to the Building Regulations – Updates – Section 4	P30 Competent Persons Schemes and the Gas Safe Register
P15 Overheating – The Case for Action	P31 Transposition of Recast of Energy Performance of Buildings Directive
P16 Building Regulations & Standards Division Research Programme 2012/13	

(6) Annex B BRAC Members 2011 and 2012

Name	Position	BRAC Role
Neil Cooper	Chartered Surveyor, Managing Director MLM Building Control Ltd. Member of CIC Approved Inspector Management Board	Chairman 2012 Vice Chairman 2011
Michael Finnn MBE	Chartered Building Surveyor and Engineer Fox Management and Consulting	Chairman 2011 - Stood down from BRAC at the end of that year following the end of his 3 rd term of office
Peter Caplehorn	Technical Director Scott Brownrigg Architectural Practice	Vice Chairman from May 2012 Member 2011
Tracy Aarons	Group Manager Built Environment Mendip District Council	Member 2011 and 2012
Professor Keith Bright	Emeritus Professor of Inclusive Environment, The University of Reading Access Consultant Director KBC Ltd	Member 2011 and 2012
Emma Clancy	CEO at Ascertiva Group	Member 2012
Alan Crane CBE	Chairman 3 C's Construction Consultancy Services Chartered Engineer	Member 2011 and 2012
Nicholas Cullen	Research and Development Partner Hoare Lea and Partners	Member 2011 and 2012
Andrew Eastwell	Chief Executive Officer of Building Services Research and Information Association	Member 2012
Cliff Fudge	Technical Director of H + H UK LTD	Member 2011 and 2012
Trevor Haynes	Assistant Director Building and Consultancy Services Birmingham City Council	Member 2011 and 2012

	Director of Local Authority Building Control Advisory Services Ltd	
Adrian Levett	Consultant in Change Management	Member 2011 and 2012
David Mitchell	Technical Director Home Builders Federation	Member 2011 and 2012
Andrew Shipley	Lifetime Homes Coordinator Habinteg Housing Association	Member 2011 and 2012
Neil Smith	Group Research and Innovation Manager at National House Building Council	Member 2012
Dr Alastair Soane	Director of Confidential Reporting on Structural Safety	Member 2011 stood down following expiry of 3 rd term
Lynne Sullivan	Partner Sustainable by Design LLP	Member 2011 stood down following expiry of 3 rd term
John Tebbit	Chartered Civil Engineer, Non-Executive Director, Robust Details Ltd. Industry Affairs Director, Construction Products Association	Member 2011 and 2012
Arumugathan Thirumoolan	Chartered Civil Engineer and Surveyor	Member 2011 stood down following expiry of 3 rd term
Paul Timmins	Managing Director of Approved Inspector Services	Member 2012
Peter Warburton	Consultant Ove Arup and Partners Ltd,	Member 2011 stood down following expiry of 3 rd term
Stephen Wielebski	Divisional Development Director Miller Homes Ltd, Civil and Professional Engineer, Chartered Environmentalist and Builder	Member 2011 and 2012