

# The Role of Building Control

Version 3 – October 2

## **Responsibility for Compliance.**

With all building work, the owner of the property or land in question is ultimately responsible for ensuring compliance with the relevant planning rules and Building Regulations. The client/applicant and their appointed representative Principal Designers and Contractors take responsibilities as Duty Holders in accordance with Part 2A of The Building Regulations 2010. See <https://www.legislation.gov.uk/uksi/2010/2214/contents> for further information.

## **The Role of Midland Building Control Consultancy Ltd. (MBCC Ltd).**

MBCC Ltd. are a Registered Building Control Approver and the role of checking that the Building Regulations are, as far as can reasonably be determined, being complied with, falls to us as a Building Control Body.

Building Control act as an independent third-party check, taking such steps as are reasonable to be satisfied that the works comply with the relevant requirements of the Building Regulations.

### **It is NOT the role of Building Control to:**

- Provide a quality control of the works.
- Provide a “clerk of works service” monitoring every stage of the construction process.
- Provide a service to address issues such as the finish and aesthetics of the works where these are not Building Regulation matters.
- Provide a service to offer contractual protection between the person carrying out the work and the parties engaged in the design and/or construction of such work.
- Provide statements of compliance or site inspections at request to satisfy any third-party involvement. (e.g. lenders finance stage releases, warranty, or contractual agreements/disputes).
- Provide a guarantee of compliance with the Building Regulations. The appointment of a Building Control Body does not remove the obligation of the person carrying out the work to achieve compliance.

As a regulator, Midlands Building Control Consultancy Ltd (MBCC Ltd) should not be considered as part of the team responsible for the successful delivery of a project.

### **The appointment of Duty Holders.**

Responsibility for the compliant delivery of a project always sits with the person/s undertaking the works, that is the owner and occupier of the property (client), and their appointed contractors and design team.

Clients must make suitable arrangements for planning, managing and monitoring a project (including allocation of sufficient time, funding, and resources) to ensure compliance with all the relevant requirements of the Building Regulations is achieved. This includes vetting prospective designers and contractors prior to appointment, to ensure they have the correct skills, knowledge, experience, and behaviours to fulfil their respective roles, and hold the appropriate liability insurance.

All Duty Holders are duty bound to always acknowledge and identify the limits of their professional competence and experience, and act within, seeking third party specialist advice where required.

### **Contractual agreements with Designers, Contractors and Financiers.**

It is the responsibility of clients to ensure appropriate construction contracts are in place when appointing their representatives, and that sufficient funding is in place to see the project through to completion.

MBCC Ltd do **NOT** offer contractual services or protection between clients and any parties engaged. Our plan appraisal, periodic inspection reports and final certification should **NOT** be used as markers or indicators against terms of any contractual or financial arrangements by any party, as to do so can place undue pressure on ourselves as a regulator, and our staff.

Arrangements between clients and their contractors and/or lenders should remain completely independent of the Building Control process and certification.

### **Independence of Building Control Approvers**

Registered Building Control Approvers shall have no professional or financial interest in the work they supervise and must also remain independent of the project design and construction, offering advice on achieving compliance only, and only where appropriate to do so. We cannot offer design specifics, material specifications, or methods of construction, as this is the role of the design team. (Architect, Structural Engineer, specialist professionals and contractor).