



The Building Regulations Advisory Committee

Annual Report 2007



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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 2007.

During the year BRAC continued to work closely with officials in the Department for Communities and Local Government's Sustainable Buildings Division to provide strategic and technical advice and views on a broad range of issues related to the Building Regulations and on buildings in general, as detailed in this annual report.

The Building Regulations are fundamental in helping to deliver safe, energy efficient and accessible buildings. It is acknowledged that BRAC, since its formation in 1962, has played a key role in ensuring they are fit for purpose. However, times are changing and it is important we have a system of building control to meet the challenges ahead, particularly with regard to the increasing focus on sustainability and climate change.

The Review of Building Control, which aims to strengthen and modernise the building control system, was therefore the key issue for consideration by BRAC during 2007. We were very grateful to the then Minister with responsibility for the Building Regulations – Angela Smith – for taking the time to attend our first two main meetings in 2007 to discuss this issue.

BRAC contributed to the Department's initial statement on *The Future of Building Control* issued in March 2007 and was represented on the Department's Working Group which developed the proposals. The Department also asked the Committee to review and comment on the final proposals at its annual Awayday in November. The review will be subject to a formal consultation in March 2008 and BRAC stands ready to assist the Department further in taking this workstream forward.

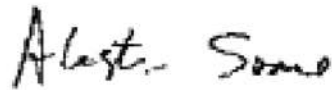
BRAC itself has been subject to a number of changes to its membership and operation over the last couple of years. We were able to welcome seven new members to the Committee in late 2007 and we look forward to receiving the benefit of their expertise and experience. Three members also stood down during the year and we would like to thank them for their contribution to the Committee's work (membership details can be found at the end of this report). We were saddened to learn that one of these members – Sean Walsh – subsequently died in December after a long battle with ill-health. Sean made a significant contribution to BRAC's and the Department's work on access and disabled issues and we offer our deepest sympathy to his family.

Finally, we would like to acknowledge the breadth of knowledge and expertise and the hard work of all members of BRAC during 2007, together with the unstinting support of officials within the Sustainable Buildings Division – particularly the BRAC Secretariat team, which enabled the Committee to function so effectively.

January 2008



Michael Finn



Alastair Soane

Michael Finn



Michael Finn was appointed Chair of BRAC at the beginning of 2002 and has been reappointed twice. His current term concludes in December 2008. He first became a member in 1991.

He is a chartered surveyor, who was formally an equity partner in Drivers Jonas, Chartered Surveyors, and is now a Director of Fox Management and Consulting. He is also a 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.

Alastair Soane



Alastair Soane was appointed Deputy Chair of BRAC at the beginning of 2002 and has also been reappointed twice. His current term concludes in January 2009. He first became a member in 2001.

He is a structural engineer, who was formerly Chief Executive of Bingham Cotterell, consulting engineers. He is currently Director of CROSS (Confidential Reporting on Structural Safety) and visiting professor in the Department of Civil Engineering at the University of Liverpool. He has wide experience of construction both nationally and internationally.

The role and operation of the Building Regulations Advisory Committee (BRAC)

Brief background on the Building Regulations

1. The work of the Building Regulations Advisory Committee (BRAC) is concerned with those regulations applicable in England and Wales. Comparable regulations apply in Northern Ireland and Scotland.
2. The powers to make building regulations are contained in the Building Act 1984. The 1984 Act provides that they 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; and preventing waste, misuse or contamination of water. These purposes have been extended by the Sustainable and Secure Buildings Act 2004 to provide powers to make regulations relating to: furthering the protection or enhancement of the environment; facilitating sustainable development; and furthering the prevention or detection of crime.
3. The current 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 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 indicated below and, in essence, they provide a baseline of minimum standards to assure the delivery of 'fit for purpose' new and refurbished buildings. The Building Regulations are supported by statutory Approved Documents which give detailed technical guidance on ways to comply with the parts/requirements of the regulations. Building control is carried out by local authorities and private sector approved inspectors.
4. 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: www.communities.gov.uk/planningandbuilding/buildingregulations and on the Planning Portal: www.planningportal.gov.uk.

PART	(as at 31 December 2007)
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	Hygiene
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

Terms of reference

5. BRAC 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 his/her 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 before making any building regulations containing substantive requirements. In practice, BRAC is used as a sounding board on the whole range of building regulations issues and other related matters. Consultation is usually carried out via officials of the Department's Sustainable Buildings Division (SBD) (see 'Secretariat' below).
6. BRAC is defined as an advisory non-departmental public body (NDPB) and is also designated as a Scientific Advisory Committee under the Government's Code of Practice for Scientific Advisory Committees 2001.

Membership

7. Appointments to BRAC 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.
8. Members are appointed on an independent basis to represent particular areas of expertise and experience, relevant to the Building Regulations, rather than as delegates of particular organisations or interest groups. Seven new members were appointed to BRAC in 2007 – full details of the membership during the year can be found at the back of this report.
9. Members (including the Chair and Deputy Chair) are unpaid for their work on BRAC, but can claim travel and other expenses, and 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 area of the Department's website – see address in paragraph 11 (hereafter referred to as the BRAC webpages). A *Register of Members' Interests* is also maintained by the BRAC Secretariat, to which members are required to contribute, and relevant information is made publicly available on request.

Secretariat

10. By convention, the Secretary of State for Communities and Local Government has responsibility for making and amending the 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, 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).

11. The Secretariat function for BRAC is provided by officials from the Department's Sustainable Buildings Division (SBD), who attend main Committee meetings along with other SBD policy officials, as appropriate. In 2007, the Head of SBD was Shona Dunn and Kevin Flanagan and David Petherick were Secretary and Technical Secretary to the Committee respectively. Evonne Hopwood, Kathleen Morris, Clive Botterill and Robbie Allen comprised the remainder of the Secretariat team, and undertook these duties alongside other duties for the division.

The BRAC Secretariat can be contacted at:

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Sustainable Buildings Division
Zone 2/F6, Eland House
Bressenden Place
London SW1E 5DU
Tel: 020 7944 5788
Fax: 020 7944 5719
Email: brac@communities.gsi.gov.uk
Website: www.communities.gov.uk/brac.

12. The main tasks of the BRAC Secretariat involve: operating the procedures for the ministerial appointment of members; making arrangements for meetings, including preparing/co-ordinating and circulating agendas, briefings, papers and minutes; arranging for publication of documents in accordance with the BRAC publication scheme (see paragraph 13); processing expenses claims and overseeing the budget; and co-ordinating production of annual reports and other publications.
13. 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 therefore prepared a *BRAC Publication Scheme*, which BRAC members and the Information Commissioner have approved. The publication scheme can be found on the BRAC webpages, along with BRAC agendas, papers, minutes and annual reports which are published in accordance with the scheme.

Budget

14. The total expenditure on hospitality, travel and other expenses for BRAC during 2007 was £12,133. In addition to this expenditure, SBD bears the cost of carrying out the Secretariat tasks referred to in paragraph 12.

BRAC's advice and activities during 2007

Introduction

15. As in previous years, BRAC provided advice during 2007 on all aspects of the Building Regulations and the supporting Approved Documents and on other related initiatives. BRAC's advisory work was primarily conducted in three all day main Committee meetings held at the Department's premises in February, June and October. The Committee was also occasionally consulted via email and given information updates. In addition, BRAC held its annual Awayday in Cambridge on 8/9 November and a 'Think Tank' meeting at the Department on 12 December (see paragraphs 24 and 25).
16. There were also two operational BRAC working parties in 2007 relating to Sustainability and Part G (Hygiene) of the Building Regulations. Brief reports of the issues considered by the working parties can be found at paragraphs 21 to 23. BRAC establishes working parties, when appropriate, to help formulate its advice and develop proposals on technical and other specialist matters related to the Building Regulations. The working parties consist of volunteers from the membership, one of which will act as Chair, who work alongside the Department's officials and other co-opted experts from key stakeholders. They meet as often as necessary, reporting back to the main Committee with their advice and recommendations.
17. Some BRAC members also assisted the Department individually on various workstreams referred to in paragraph 18. Furthermore, a number of members, including the Chair, represented the Committee on the Department's Working Group on *The Review of Building Control*, which comprised of representatives from key stakeholders and met regularly during 2007 to develop proposals to reform and modernise the building control system. All BRAC members were also given the opportunity of commenting on the issues raised in the papers presented to the Department's Working Group – the relevant BRAC papers and minutes are listed below. A full consultation will be carried out in March 2008 and BRAC will continue to be fully consulted on developments.

Issues considered in 2007

18. During 2007, BRAC considered and advised on the following issues and were kept up to date with developments. Details of the issues considered and the Committee's deliberations can be found in BRAC agendas, papers and minutes which, as stated in paragraph 13 will be published on the BRAC webpages in accordance with the Committee's publication scheme. The relevant BRAC papers and minutes nos (prefixed by BRAC(07)) are indicated in square brackets below:
- Implementation of the Energy Performance of Buildings Directive (EPBD) [P5, P11, P13, P42, P43] [M1, M2]
 - Amendments proposed to the Building Regulations 2000 and the Building (Approved Inspectors etc) Regulations 2000 relating to: Part L (Conservation of fuel and power); provisions on commissioning of fixed building services; further and amended provisions for competent person and self-certification schemes; and building work not requiring notification to a building control body [P6] [M1]
 - Introducing longer time limits for prosecution of breaches of the Building Regulations [P6, P19, P33] [M1, M2, M3]
 - E-enabling electronic communication of building control documents [P8, P32] [M3]
 - Review of Building Control [P10, P14, P20, P23, P25, P44, P46] [M1, M2, M3]
 - Introducing a requirement for local authorities to keep registers of building control information [P12, P40]
 - Possible guidance on data ducting infrastructure for new homes [P16] [M2]
 - Review of Part G (Hygiene) and new proposals to deal with hot water safety and improve water efficiency [P24, P29] [M1, M2, M3] [See also report of Part G Working Party – paragraph 23]
 - The future of the Code for Sustainable Homes [P26] [M1, M3]
 - Improving the energy efficiency of existing buildings [P27] [M1, M3]
 - Further amendments to, and revision of, Part L (Conservation of fuel and power) [P28] [M3]
 - Flooding – possible new requirement in the Building Regulations [P30] [M3]
 - Improving the sustainability of new non-domestic buildings – reduction of carbon emissions [P31, P45] [M3].

Information papers received during 2007

19. BRAC also received papers on the following issues for information during the year to assist members in their advisory role, which can also be found on the BRAC webpages when published in accordance with the Committee's publication scheme:
- Publication of the revised Part B (Fire safety) package [P2]
 - Parliamentary Questions related to the Building Regulations [P3, P17, P34]
 - Building Regulations update – brief information on miscellaneous developments not covered by other papers, including details of the Department's research programme [P7, P18, P35]
 - Casework decisions on statutory determinations and appeals [P9, P36]
 - Proposed amendments to Approved Documents A (Structure) & C (Site preparation and resistance to contaminants and moisture) [P37]
 - Three year review of Robust Details Ltd [P38]
 - Part H (Drainage and waste disposal) – developments in drainage [P39]
 - The scope for an MOT test for buildings – research report findings [P41]
 - Outcome of a Judicial Review case brought against the Department by a multi-foil manufacturer [P47].
20. In addition, BRAC continued to receive oral reports at meetings during the year on relevant building regulations/standards issues relating to the devolved administrations. These were provided by officials from the Welsh Assembly Government, the Scottish Building Standards Agency, and the Department of Finance and Personnel – Northern Ireland, who attend BRAC meetings as observers. These reports can be found in the minutes of the three meetings in 2007.

Working Party reports

Sustainability Working Party

21. The Sustainability Working Party, chaired by Lynne Sullivan, was established in early 2005 in recognition of the increasing focus on sustainability issues within the Building Regulations. The working party met once in June during 2007 and discussed a number of current sustainability workstreams – paper BRAC(07)P15 and the minutes of the main Committee meeting in October (BRAC(07)M3) give details of these issues.

22. It was agreed, at BRAC's meeting in October 2007, that it would, in future, be more efficient for the sustainability agenda to be taken forward within the Committee's advisory work on the Building Regulations collectively and for BRAC members to sit on key sustainability working/steering groups, rather than continue to convene a separate working party without a specific agenda. The Sustainability Working Party was therefore disbanded.

Part G (Hygiene) Working Party

23. BRAC's Part G Working Party, chaired by John Tebbit, was convened in late 2007 to develop specific proposals to address hot water safety, to bring water efficiency of new homes into the Building Regulations for the first time and to consider a general updating of the guidance and references contained within the current 2002 Part G Approved Document. The working party met for the first time on 5 December 2007 and considered all of these issues. It is anticipated that a public consultation document will be published in the spring 2008 with an eventual coming into force date for the revised guidance of April 2009.

Awayday 2007 and Think Tank discussions

24. As in previous years, BRAC members met in Cambridge for their annual Awayday in November 2007. These Awaydays are held to enable members to consider strategic or key topical issues away from the pressures of normal business, which assist the Committee in carrying out its advisory role to Ministers. Selected officials from the Department also attend the Awaydays. The general theme for the 2007 Awayday was *The Review of Building Control* – a record of BRAC's deliberations can be found in paper BRAC(07)P44.
25. For the last few years BRAC members have also periodically convened their own Think Tank discussions and meetings, which have been chaired by the BRAC Deputy Chair, Alastair Soane. As with Awaydays, these have also been held to consider strategic or topical issues. Some discussions were held following main Committee meetings in 2007, but a specific Think Tank meeting was held on 12 December 2007 at which members considered issues arising from the 2007 Awayday related to the future of the Building Regulations. The Department's response to issues emerging from BRAC's earlier Think Tank meeting in December 2006 can be found in paper BRAC(07)P4.

The Building Control Performance Standards Advisory Group

26. The Building Control Performance Standards Advisory Group (BCPSAG) was established by Ministers to provide advice and guidance for building control bodies on how they should deliver a quality service to their clients. The Group is chaired by the BRAC Chair, Michael Finn, in an independent capacity, but another BRAC member – David Mitchell – also sits on it to specifically represent the Committee.
27. Recent outputs from BCPSAG have included a revised performance standards handbook and a set of building control performance indicators. Following a request to all building control bodies to supply returns against the indicators, a key part of the Group's ongoing work will include considering how these outputs might be analysed and deployed.

Publications

28. The publications BRAC assisted in producing during 2007 can be found and downloaded free of charge, via the Department’s website and the Planning Portal (see paragraph 4). This includes Statutory Instruments (i.e. regulations), Approved Documents, Departmental Circulars, Circular Letters, Consultation Papers and other documents.
29. Hard copies of these documents can be obtained as follows:

Priced publications

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Email:
communities@twoten.press.net

BRAC Membership and Observers during 2007

Membership

Chair	Michael Finn, FRICS, FEng, FRSA, ACI Arb. Chartered Surveyor. Director, Fox Management and Consulting.
Deputy Chair	Dr Alastair Soane, BSc, PhD, CEng, FICE, FStructE. Director of Confidential Reporting on Structural Safety (CROSS). Visiting Professor, Department of Civil Engineering, University of Liverpool.
<p>Mrs Tracy Aarons***, MRICS, MIFE, Beng. Building Control Manager, Mendip District Council.</p> <p>Ms Ziba Adrangi***, MA (cantab), RIBA. Director, PRP Architects.</p> <p>Professor Keith Bright***, MSc, FRICS, FABE, MCI OB. Access Consultant and Chartered Building Surveyor.</p> <p>Professor May Cassar, BA(History), BSc(Conservation), MSc(Environmental Design and Engineering), FIIC, AMUKIC, FRSA. Director, UCL Centre for Sustainable Heritage. Member and AHRC/EPSRC Science and Heritage Programme Director, Research Advisory Panel, English Heritage.</p> <p>Neil Cooper, FB Eng, MRICS, MIOD. Chartered Surveyor. Group Head of Building Control, National House-Building Council. Vice Chairman, Association of Consultant Approved Inspectors. Member, Consortium of European Building Control.</p>	<p>Frank Sheehan, QFSM, BA(Open), DipMath, MIFireE. Chief Fire Officer, West Midlands Fire Service. Chairman, Loss Prevention Council (Fire & Security Board). Director, CFOA Board.</p> <p>Andrew Shipley***, MRICS. Policy Manager, Equality and Human Rights Commission.</p> <p>David Smith, FRICS, PPIBC. Non Executive Director, MLM Building Control. Member, British Board of Agrément Governing Board. Member of Governing Board of Robust Details Ltd. Chairman, Consortium of European Building Control. Business Development Manager, Royal Institution of Chartered Surveyors (RICS).</p> <p>Ms Lynne Sullivan, BA(Hons), DipArch, RIBA. Director of Sustainability, Broadway Malyan Architects and Designers.</p> <p>John Tebbitt, BSc(Hons), CEng, MICE. Chartered Civil Engineer. Industry Affairs Director, Construction Products Association.</p>

<p>Nicholas Cullen***, BSc(Hons), CEng, MCIBSE, FEANI. Research and Development Partner, Hoare Lea Consulting Engineers.</p> <p>David Gibson, BA, MSc, DMS, FEng, MRICS, FRSA. Building Engineer. Chief Executive, Association of Building Engineers. Chief Executive, The Society of Professional Engineers. Governor & Vice President of World Organisation of Building Officials. Member of British Board of Agrément. Member of BREC Construction Certification Expert Group. Member of Scottish Standard Agency Audit Commission.</p> <p>Trevor Haynes***, CEnv, FEng, FRICS, FCIQB, MCI, DMP. Head of Building Consultancy, Birmingham City Council.</p> <p>David Holliday OBE, FIOD, MCIQB. Chairman, Robust Details Ltd, Tamdown Group Ltd and Bison Holdings Ltd.</p> <p>Adrian Levett***, BSc (Hons), MSc, FAPEA, MITSA. Consultant in Change Management.</p> <p>Christopher Mills*, BEng, BMus, CEng, MICE, FRICS, FEng, FCIQB. Technical Director, NHBC.</p> <p>David Mitchell, MBIOM, ACIQB, AABE. Technical Director, Home Builders Federation.</p>	<p>Arumugathan Thirumoolan, BSc(Hons), CEng, MICE, FRICS. Chartered Civil Engineer. Surveyor. Head of Building Control, Wandsworth Borough Council. Member, London District Surveyors Association (LDSA).</p> <p>Sean Walsh**, BArch, MCIAT, MEng. Director, S W Architectural Consultancy Ltd. Access Consultant. Co-ordinator of TAGMK, Consultant Access Officer to Milton Keynes Council Building Control. Member, Chartered Institute of Architectural Technologists. Member, Association of Building Engineers. Member, Access Association.</p> <p>Peter Warburton, MSc, FCIBSE, CEng. Consultant, Ove Arup & Partners Ltd. Building Services, IT, Energy, More Sustainable Design. Freelance technical writer.</p> <p>Kelvin Williams**, BSc(Hons), BEng, ARICS, ABE. Head of Planning and Building Control, Wealdon District Council.</p> <p>Ms Janet Young, BA(Hons), MRICS. Chartered Surveyor. Deputy Estates Director, Department for Education and Skills. Chief External Examiner for MSc Building Surveying and MSc Facilities Management degrees at Leeds Metropolitan University.</p>
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* Membership ended 31 January 2007
 ** Membership ended 30 September 2007
 *** Membership commenced 1 October 2007

NB: Full details of BRAC members' appointments are available on request from the BRAC Secretariat

Observers

The Welsh Assembly Government

The Scottish Building Standards Agency

The Department of Finance and Personnel, Northern Ireland



The Committee in session.

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