

Enabling Electronic Communication of  
Building Control Documents – Consultation  
**Summary of responses**



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# Section 1

## Introduction

1. In October 2007, Communities and Local Government published a consultation on its proposals to make modifications to the Building Act, the Building Regulations and the Approved Inspectors Regulations to allow electronic communication. The consultation closed in January 2008 and 33 formal responses were received which are summarised in this document.
2. Copies of the individual responses to the consultation have been placed in the Communities and Local Government library at Ashdown House, 123 Victoria Street, London, SW1E 6DE and will be available for viewing for a period of six months from the date of this publication. If you wish to make an appointment to inspect these, please telephone 0207 944 3039.

# Section 2

## Format and content

3. Of the 33 respondents, 87 per cent submitted their views using the questionnaire proforma response form provided in the consultation package. The detailed summary, which forms the bulk of this document, follows a similar format (see Annex A).
4. In the questionnaire, consultees were asked to indicate whether they supported each proposal with a YES/NO response and to add any additional comments they wished to provide. The response to each question is dealt with here in the same format with the numbers of YES/NO responses given as a percentage of those responding to that particular question, followed by more detailed commentary.
5. Four respondents did not use the proforma response form and provided general comments via email. These comments have been incorporated into the general comments sections.
6. All responses received to date will have been considered by Communities and Local Government when deciding how best to take these proposals forward.

# Section 3

## Respondents to consultation

7. The organisations and individuals who responded can be broken down as follows:

Architects	6%
Individual in practice, trade or profession	3%
Local authority – Building Control	52%
Professional body or institution	12%
Trade body or association	3%
Fire & Rescue Authority	6%
Approved Inspector	6%
Other	12%

# Section 4

## Overview of responses

8. Overall, most respondents supported the broad principle to enable the electronic communication of Building Control Documents. Of those who responded to each of the three key questions on the general principals of the proposals, the specific percentage figures were:
  - 100 per cent supported the general principle to enable the electronic communication of Building Control documents
  - 86 per cent supported the general principle of removing the need for signatures from the specified documents (with reservations)
  - 93 per cent supported the general principle of enabling the documents which required signatures to be signed electronically.

# Section 5

## General comments

Respondents said that:

9. There were already many examples of e-enabling of local authority building control communications which had been brought about by the needs and demands of clients and staff.
10. There had been much encouragement for local authorities to e-enable their services (including submission of applications, payment of fees, etc) and these proposals would enhance and formalise practices already in use.
11. The proposals would speed/ease the submission process for customers and given the appropriate resource, the approval process should improve.
12. Reductions in burdens were possible from an administrative aspect however, from the practical plans examination and on site perspective the challenges (and associated costs) would increase.
13. All types of applications to central government departments or local authorities (such as Building Control applications, applications for Planning Permission, Listed Building and Conservation Area Consents) should be combined in a single channel and if this course of action were to be followed it would seem sensible to concentrate on the Planning Portal.
14. There should be a standard technical solution for all building control communications rather than the individual arrangements proposed.
15. Best practice should be shared to help those authorities in the early stages of e-enablement. This could be developer led or perhaps another body eg LABC, CIBSE or the Building Control Alliance could provide some guidance.
16. Security issues would need to be resolved and documents produced should be adequately protected and incapable of being amended by third parties.

See Annex A for the full summary of responses.

# Section 6

## Next steps

17. It is intended that the legislation enabling specified Building Control documents to be submitted electronically will come into force on 1 October 2008. The Statutory Instrument will be accompanied by a Circular and supporting guidance documents.
18. The amendments will allow the use of electronic communication but this will be entirely discretionary as many organisations and individuals will be at varying levels of electronic communication capability. Those who do not wish, or do not have the means to communicate electronically will be able to continue to use the paper based methods prescribed by the current legislation.
19. Provision for electronic service has not been made for all documents subject to Section 94 of the Act. Only those documents where the recipient is likely to agree to, and be able to receive, documents electronically have been specified. We have also not included those documents that are not covered by Section 94 as those documents can already be sent or received electronically.
20. All additional documents that were suggested by respondents were considered in the development of the final list of specified documents and were added where appropriate.
21. Due to the reservations expressed by some respondents to the proposal to remove the need for signatures from specified documents, this proposal has been withdrawn. Provision for electronic signatures will also not be made in these amendments as this is already available through other legislation.
22. In response to feedback from the consultation, we will be working with stakeholders to explore a range of options to facilitate and support the e-enablement of the Building Control System. This will include, the development of a broader strategy for electronic communication, exploring how electronic communication of Building Control documents could be streamlined through a single channel and examining how best practice guidance can be developed to help organisations and individuals develop their electronic communication capability.
23. Other suggestions made by respondents which could not be addressed through these legislative amendments have been noted and will be considered within the appropriate policy areas and legislation.

# Annex A

## Responses to the questions

**Q1. Do you support the general principles of e-enabling Building Control communications?**

**Yes** 100%

**No** 0%

### Summary

Twenty-nine respondents answered this particular question and all expressed full support for this proposal. They stated that there were already many examples of e-enabling of local authority Building Control resulting from the encouragement of local authorities to e-enable their services; and the needs and demands of clients and staff. These proposals were expected to enhance and formalise practices already in use. Respondents felt that e-enabling would contribute to a reduction in administrative time, handling and storage costs. They would also lead to faster delivery and turn around times, provide environmental benefits; and support remote and home working arrangements.

However, many respondents felt that it should not be left up to each organisation to choose the most appropriate electronic communication methods and technical solutions as this would increase the administrative burden on contractors and clients who have to communicate with several Building Control Departments. They suggested that it would be more appropriate to develop common standards, share best practice and develop a standard technical solution.

**Q2. Do you support the general principles of removing the need for signatures from the documents specified?**

**Yes** 86%

**No** 14%

### Summary

Twenty-nine respondents answered this question and the majority supported the general principle of removing the need for signatures from the documents specified. However, those who disagreed with the proposals made strong representations against this proposal and some of those who supported the general principle indicated that they did not support the removal of signatures from all the documents listed. The key reason for this was that a signature, either wet or electronic is confirmation that information supplied is authenticated and accurate.

**Q3. Do you support the general principle of enabling the use of electronic signatures on the documents specified?**

**Yes 93%**

**No 7%**

**Summary**

Twenty-nine respondents answered this particular question and virtually all supported this proposal. One respondent stated that in practice many authorities had been accepting and using electronic signatures for some time. They stated that clients often required electronic copies of documents and the acceptance of electronic signatures would remove the need to send additional hard copy documents where relevant.

**Q4. Overall, do you think the proposed amendments to the legislation will help to improve the Building Control approval process?**

**Yes 89%**

**No 11%**

**Summary**

Twenty-seven respondents answered this question, 89 per cent of whom felt that it would improve the Building Control approval process. The general view was that these amendments would speed/ease the submission process for customers and given the appropriate resource, could improve the whole approval process. It would also assist in the process of incorporating documents and applications into the electronic back office systems. A few felt that there would only be limited/marginal improvements. It was also suggested that the costs to the public of accessing this information, if lodged electronically, should not be more than the cost of accessing this information if it is stored in hard copy.

**Q5. These proposals would enable the use of electronic communications for the full range of delivery or service circumstances set out in subsections (a) to (f) of section 94 of the Building Act 1984. Do you agree that it is appropriate to remove the need for delivery of hard copies of documents in all these circumstances?**

**Yes 72%**

**No 28%**

**Summary**

Twenty-nine respondents answered this question and 72 per cent supported the proposal, however, a significant number of respondents stated that the option to submit and retain hard copies of documents should be maintained. Specifically, it was felt that it was essential to retain the requirement for applicants to submit at least one copy of key drawings/plans. Otherwise the printing costs for local authorities would exceed any savings to applicants, particularly for larger scale building projects or complex buildings.

**Q6. We consider that Table 1 in Annex A sets out all Building Control transactions, apart from enforcement notices. Are there any documents that have been missed from the table, or any other documents that would be inadvertently e-enabled by these amendments that have not been highlighted in this consultation?**

**Yes** 30%

**No** 70%

### Summary

Most respondents felt that the list of documents we had provided was comprehensive.

**Q7. This consultation document focuses on the transactions between applicants, local authorities, approved inspectors and competent persons; are there any other bodies or persons that could inadvertently be impacted upon in ways not defined here?**

**Yes** 58%

**No** 42%

### Summary

Twenty-four respondents answered this question and just over half suggested that other bodies such as those listed below might be impacted by the proposed amendments.

- Fire officers
- Water authorities
- Structural engineers
- Solicitors and building surveyors firms
- Local sewerage undertakers
- Drainage authorities

They stated that some of these bodies required documents to be sent to them in hard copy and that others may not have the capability to accept electronic documents. Respondents said that with the use of electronic forms there would be a tendency to also increase the use of plans submissions and that Building Control Bodies would then wish to forward consultation documents electronically. This would require consultees to have mechanisms for electronic capture. It was suggested that the electronic communication legislation should include these organisations and all should be required to receive documents electronically so that the whole process is paperless.

**Q8. Although local authorities, approved inspectors and competent persons will be able to choose the method of electronic communication, the format of electronic signatures and the technical solutions; they are being encouraged to implement, at a minimum, the use of basic electronic communication by 2012. Do you support this?**

**Yes 86%**

**No 14%**

### **Summary**

Twenty-nine respondents answered this question and the majority supported the proposal. However many felt that the timescale was too long and a shorter timescale for example 2010 should be used as required by the Services Directive; in particular the implications of the Point of Single Contact. Respondents also stated that e-enablement could only be achieved with consistency, agreement and standardisation of the format of all electronic communication. If information was received in a wide variety of formats this would create technical difficulties for the receiving authority with associated increased costs.

**Q9. For any authorities or bodies that are in the early stages of e-enablement, are there any unforeseen implications which have not been covered here?**

**Yes 45%**

**No 55%**

### **Summary**

Twenty-two respondents answered this question and just over half felt that there were other implications that had not been covered in the consultation paper. Respondents stated that as electronic signatures were very supplier specific the amending legislation should be specific as to which electronic signature systems are acceptable and how they can be verified by the receiving organisation/person. Depending on the current level of automation and database information/systems available, considerable investment would be required to facilitate these changes and e-enable all documentation.

It was suggested that documents accompanying Initial Notices, Plans and Final Certificates could be made available on the Register of Approved Inspectors for certification by the Local Authority, and that this should be considered in conjunction with the need to keep registers and make documents available. Best practice should also be shared to help those in the early stages of enablement.

**Q10. Do you support the fact that clients would be able to insist on continuing to carry out transactions in the ways currently prescribed by the Building Act and that local authorities, approved inspectors and competent persons will be required to allow this?**

**Yes 93%**

**No 7%**

### Summary

Twenty-six respondents answered this question and the majority felt that users of Building Control Bodies should retain the right to choose how they preferred to access services and that this should not be restricted to a single methodology. This was because at present not all clients were capable of receiving electronic documents and levels of IT ability and capability varied enormously across a wide range of applicants. In addition, some applicants had used traditional drawing techniques for most of their working lives and were unwilling or unable to switch to more modern electronic means of preparing plans.

It would therefore be an act of inequality to refuse to accept hard copy applications and it would be unreasonable to preclude otherwise very competent applicants. However, it was expected that the IT ability and capability would increase considerably over time. One respondent suggested that the amending legislation permit delays in the processing of hard copy applications when compared to electronically submitted applications, and additional charges should be levied for the handling of these old style applications.

Two alternate views were that Building Control bodies would not gain in efficiency and cost saving terms from being forced to operate two systems in the long term. Clients did not become involved in these processes and would therefore gain nothing by the ability to insist on using paper based methods.

**Q11. We have specified four documents that we consider do not need to be signed. Are you satisfied with these proposals for the identified documents, and are there any other documents that should be included in this list?**

**Yes 44%**

**No 56%**

### Summary

Less than half of the respondents agreed with this proposal (see also question 2).

**Q12. We have specified 11 documents that could be signed electronically. Are there any other documents that should be included in, or removed from, this list?**

**Yes 32%**

**No 68%**

### **Summary**

Most respondents did not suggest any additional documents but concerns were raised about the electronic signature on initial notices. Respondents felt that the essential requirement that the notice should be signed by both the Approved Inspector and the person on whose behalf the work is to be undertaken must be maintained.

**Q13. Do you agree that the priority documents that should e-enabled by 2012:**

**Q13 a) Are the right documents to focus on?**

**Yes 93%**

**No 7%**

### **Summary**

Most respondents agreed that the list of priority documents were the right documents to focus on. Respondents also reiterated that electronic communication should be implemented by 2010.

**Q13 b) Will contribute to reductions in administrative burdens?**

**Yes 70%**

**No 30%**

### **Summary**

Respondents felt that reductions were possible from an administrative aspect however from the practical plans examination and on site perspective the challenges (and associated costs) would increase. They suggested that care needed be taken in the implementation to prevent difficult or unworkable processes. Timescales also had to be realistic to allow for the introduction of new software and associated training. Respondents said that best practice should be shared to help those authorities in the early stages of e-enablement. This could be developer led or perhaps another body eg LABC, CIBSE or the Building Control Alliance could provide some guidance.

**Q14. We would be grateful if you could provide us with the following information to feed into the full RIA:**

- a) Current time spent, and costs incurred, by your organisation in acquiring, completing and submitting hard-copy Building Control documents**
- b) Potential costs to your organisation of developing/upgrading/maintaining your IT systems to allow full use of electronic transmission of Building Control documents**
- c) Potential time that would be spent, and costs incurred, by your organisation in transmitting Building Control documents electronically.**

The data provided by respondents to this question informed the cost calculations contained in the Final Impact Assessment. This has been published alongside this document at [www.communities.gov.uk](http://www.communities.gov.uk)

# Annex B

## List of respondents

Ashfield District Council  
Assent Building Control Ltd  
Association of Consultant Approved Inspectors  
Barnsley Metropolitan Borough Council  
Bury Metropolitan Borough Council  
Chartered Institute of Building (CIOB)  
Chartered Institution of Building Services Engineers (CIBSE)  
Chelmsford Borough Council – Building Control, Planning & Building Control Services  
Construction Industry Council (CIC)  
Colchester Borough Council  
Daventry District Council  
Document Corrupted  
East Cambridgeshire District Council  
East Sussex Fire and Rescue Service  
Federation of Master Builders  
Greater Manchester Fire and Rescue Service  
Heating and Ventilating Contractors' Association (HVCA)  
John Hobden Home Design  
Kay Pilsbury Architects  
Local Authority Building Control (LABC)  
Lewes District Council  
Lichfield District Council  
London Borough of Brent – Building Control Consultancy Services  
Manchester City Council – Building Control  
Mid Bedfordshire District Council  
National House-Building Council (NHBC)  
Oil Firing Technical Association (OFTEC)

Oldham Metropolitan Borough Council

Personal Response

Rofos Design and Technical

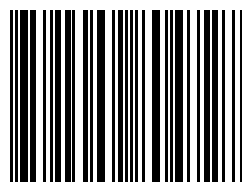
Royal Borough of Kensington and Chelsea

West Dorset District Council – Building Control Division

Westminster City Council

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