

Engineers Ireland

Submission on 'Review of building regulations, building control and consumer protection'

For the attention of Joint Oireachtas Committee on Housing, Planning, Community & Local Government

2nd May 2017

Highlights

- Engineers Ireland awards the professional title Chartered Engineer (CEng MIEI)
- Chartered Engineers may act as Assigned Certifiers under BC(A)R and the Code of Practice
- BC(A)R represents self-certification subject to due diligence and local authority inspection
- Insufficient time has passed to undertake a full review of the performance of BC(A)R
- Local authorities are not adequately resourced for inspection and enforcement
- The opt-out for new dwellings in single unit developments (one-offs) should be removed

Introduction

With over 23,000 members from every discipline of engineering, Engineers Ireland is the voice of the engineering profession in Ireland. Engineers Ireland was established in 1835 making us one of the oldest and largest professional bodies in the country. Members come from every discipline of engineering, and range from engineering students to fellows of the profession. Engineers Ireland is the registered Competent Authority in Ireland for the engineering profession under EU Directive 2005/36 and is a founding member of the International Engineering Alliance, an organisation committed to the adoption of global standards in engineering education and competence. Engineers Ireland also accredits engineering programmes at third level in fourteen Institutes of Technology and seven Universities.

Engineers Ireland awards the professional title Chartered Engineer (CEng MIEI) in line with the Institution of Civil Engineers of Ireland (Charter Amendment) Act 1969. Chartered Engineers have been assessed by their peers as professionals in their field in delivering the highest standards of quality, expertise and innovation to serve the needs of society while ensuring public health and safety. They adhere to the Engineers Ireland Code of Ethics in all areas of their engineering practice. The registered professional title is recognised internationally and under Irish Law. According to the Building Control (Amendment) Regulations (SI 9 of 2014 & Code of Practice) [henceforth BC(A)R], Chartered Engineers are one of the three professions which may act as Assigned Certifiers.

Engineers Ireland would like to make a number of observations on the Committee's recent hearings on possible legislative reforms in the areas of building regulations, building control and consumer protection. We hope that our comments will be helpful for the Committee's deliberations and recommendations.

1. Consulting all principal stakeholders

Engineers Ireland was an active participant in the extended consultation before the drafting of BC(A)R. We have some concern that a Building Control Bill has now been placed on the legislative agenda without providing opportunities for consultation with all of the principal stakeholders in the building sector. We believe that our members can bring a wealth of experience and evidence that would add significantly to any legislative changes and, to this end, we would be delighted to engage with the Committee and the Department of Housing, Planning, Community & Local Government.

2. More time required for full review

We agree with the view expressed to the Committee by the Construction Industry Federation that it is too soon to fully assess the effect of BCAR. A relatively low number of buildings have been completed and occupied in the past three years and it we do not believe this low activity constitutes a representative sample for analysis. Moreover, a disproportionate number of one-off houses have been completed in recent years – for many of which an opt-out from BC(A)R was in place (see Section 6 of this submission). Furthermore, the alarming building defects discussed by the Committee were completed prior to the introduction of BC(A)R and partly inspired the introduction of BC(A)R. We therefore believe that more time should be allowed to pass before a full review of the performance of BC(A)R can be undertaken.

3. Self-certification under BC(A)R

Under BC(A)R, compliance is governed by Technical Guidance documents, the provision of drawings and specifications, submissions to a local authority Building Control Office, site inspections (by the professional team and the local authority), certification and uploading of documentation to a central reservoir of records. BC(A)R does not represent self-regulation, rather it is self-certification that necessitates due diligence and local authority inspection.

The Assigned Certifier is appointed by the building owner using the statutory documentation that is incorporated into the SI and is also available on the Building Control Authority's website via the Building Control Management System. The Code of Practice requires the appointees to act independently but with regard to the other members of the project team. Should that independence be compromised, the Assigned Certifier may resign from that position with written notification to the BCA.

Self-certification has been enhanced by the generation of Ancillary Certificates system whereby professionals who undertake design and/or inspection (and fabrication) are required to declare responsibility for the work that they have been appointed to undertake. The professionals are bound by a Code of Ethics and professional best practice.

It should be noted that Assigned Certifiers and Building Inspectors are not in competition with one another; each has their own place in the system and is expected to interact and liaise with the other.

The Assigned Certifier is effectively answerable to the Building Control Authorities and at any stage a Building Control Officer can stop works that are not in compliance.

The requirement to inspect works has been in place long before BC(A)R; BC(A)R introduced a certification system which obliges those who design and/or inspect works to make a specific declaration as to how these obligations have been fulfilled. More information on the duties of the Assigned Certifier can be found in the Code of Practice for Inspecting and Certifying Buildings and Works.

5. Local authority resourcing

Local authority inspectors are required to achieve the targeted level of inspection, but they must be adequately resourced. Indeed, one of the failures of the pre-BC(A)R system was the lack of resourcing for inspection and enforcement when building dramatically increased. If a repeated situation is to be avoided, Engineers Ireland believes that the resources of the Building Control Authorities should be increased to ensure that they have the necessary inspection and enforcement capacity.

Currently, there is a shortage of skills in both the public and private sectors to achieve the targeted build of 25,000 units per annum. If local authorities were to undertake a major recruitment drive of potential Assigned Certifiers (requiring significant resources), this would simply populate one sector to the detriment of the other. In a situation where the professionals are seconded to local authorities for the duration of a project, this would represent a constraint for private clients by way of removing their ability to make appointments to a project themselves and is not a practicality from either a cost or best practice scenario.

6. Remove opt-out for one-offs

The opt-out for new dwellings in single unit developments (one-offs), SI 365 of 2015, severely undermines the intentions and ambitions of BC(A)R and compromised the significant advances made in the regulations. This amendment removed from BC(A)R compliance the very people (one-off builders and self-builders) who could benefit most from the engagement of professional building experts. Our experience, based on interactions with our members is that on one-off projects there is widespread concern that the lack of the requirement to certify work is viewed negatively by financial institutions (i.e. why loan money to non-certified projects). This also has implications for insurance on these properties and when the property is sold at a future date. Engineers Ireland believes that this opt-out should be removed.

7. Summary of recommendations

BC(A)R promotes self-certification, co-operation and co-ordination between the various parties to the contract in order to provide transparency and traceability of responsibility without reducing the Building Control Authority oversight of the project. Engineers Ireland believes that this current system should remain in place and that Building Control Authorities should be sufficiently resourced for inspection and enforcement. BC(A)R could be strengthened by removing the opt-out for one-off dwellings, which could most benefit from the regulations.

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Background to Engineers Ireland

With over 23,000 members from every discipline of engineering, Engineers Ireland is the voice of the engineering profession in Ireland. Engineers Ireland was established in 1835 making us one of the oldest and largest professional bodies in the country. Members come from every discipline of engineering, and range from engineering students to fellows of the profession.

Our responsibility is to

- Promote knowledge of engineering
- Establish and maintain standards of professional engineering and engineering education
- Provide opportunities for Continuing Professional Development (CPD)
- Maintain standards of professional ethics and conduct
- Ensure that professional titles are granted to qualified candidates
- Act as the authoritative voice of the engineering profession in Ireland

Our Vision Statement

Engineers Ireland: a community of creative professionals delivering solutions for society.

Our Mission Statement

Engineers Ireland is an organisation that enables the engineering community to progress their professional development, make an impact on society and encourage and educate the future generations of engineers.