



*A0004 Inspection Programme Protocol,
Methodology, Inspections & Recording –
F01
National Building Control Management Project*

20190412 F01

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Inspection Programme Protocol and Methodology, Inspections & Recording National Building Control Management Project (NBCMP)

Inspections; The work of the Inspection Working Group has been broken into 4 sub-groups:

- 1) Sub-group 1(SG1) **Inspections Programme Protocol/Strategy**- Pat Nestor)
- 2) Sub-group 2(SG2) **Inspection Methodology** (Andrew Macilwraith)
- 3) Sub-group 3(SG3) **Inspector Competency Requirement** - (Bernadette McArdle)
- 4) Sub-group 4(SG4) **Inspection IS i.e. Survey 123/ArcGis** ((Colin Barden Wexford, John Sweeney/Cianan Gallagher Meath, Colin Campbell, Fingal)

Inspection App developed Wexford → proof of concept Meath → pilot Fingal → followed by Louth etc...

Tablet based-Online and offline Capability

BI tool to mine risk from Online Assessment with a GIS off-the-shelf app

Section 1: Inspection Programme Protocol

Introduction

Building regulations may be provided for the purposes set down in Section 3(2) of the Building Control Acts 1990 to 2014 as follows:

- a) making provision for securing the health, safety and welfare of—
 - i. persons in or about buildings, and
 - ii. persons who may be affected by buildings or by matters connected with buildings;
- b) making provision for the special needs of disabled persons in relation to buildings;
- c) making provision for the conservation of fuel and energy in relation to buildings;
- d) making provision for securing in relation to buildings the efficient use of resources;
- e) making provision for the encouragement of good building practice; making provision for building practices that would assist in preventing or detecting crime; and
- f) making provision for such other matters as appear to the Minister to be necessary or expedient and are specified in the regulations.

In accordance with Section 11 of the Act buildings may be inspected by Authorised Persons appointed for this purpose by the Building Control Authority. The Code of Practice for Inspecting and Certifying Buildings and Works, published under Article 20G of the Building Control Regulations 1997 – 2015 states that *“Inspections by Building Control Authorities are undertaken in the interests of public safety and law enforcement.”*¹

As with all regulated systems, inspections are required to build and maintain confidence in the system.

The Code of Practice for Inspecting and Certifying Buildings and Works states that Building Control Authorities *‘should adopt a formal policy for the assessment and inspection of building work as notified on the Building Control Management System’*.

It is envisaged that once a construction project is selected, inspections will take place early in the construction stage and will continue with appropriate frequency based on risk assessment and at the discretion of the local Building Control Officer.

¹ Dept of Housing Planning & Local Government, *‘Code of Practice for Inspecting and Certifying Buildings and Works’*, Sept 2016. p.10

Efficient use of Inspection Resources

It is both internationally recognised and specified in the Code of Practice for Inspecting and Certifying Works that a risk-based selection system is appropriate for regulatory inspections to concentrate resources on the areas that need them most.

The Department of Housing, Planning and Local Government have agreed with the Local Authorities an inspection target of at least 12-15% of all new buildings notified to a Building Control Authority. The inspection and enforcement powers of the Building Control Authority are essentially supplementary to the primary obligation of owners, designers and builders to design and construct buildings in accordance with the requirements of the Building Regulations. The possibility of inspections should be a deterrent to contravention of the Regulations.

The majority of building control inspections will be of notified construction projects carried out on a planned basis. However, other inspections based on complaints and the discovery of unauthorised projects will also need to be carried out and resource allowances should be made for responding to these.

Inspection Programme

The building control inspection programme will be produced from a combination of the following possible sources:

1. Risk Based
2. Random Based
3. Complaint Based
4. Site- Follow-up / Repeat Inspection / Enforcement
5. Non-Technical Building Control Inspections
6. Inspections Related to Statutory Applications

[Note; Enforcement Process may require inspections relating non-compliance with Building Control Regulations i.e. non -submissions etc.](#)

1. Risk Based Inspections

Risk assessment is a systematic process of evaluating the potential risks that may be involved in a project /proposed activity or undertaking

A risk assessment is carried out in order to assist in the determination of inspection priorities and assign adequate resources to the carrying out of these inspections.

Each notification lodged with the BCMS must complete an online assessment, as set out under Article 9(1)(b)(i)(III).

The use of the online assessment in the BCMS is a key tool in identifying projects with a higher risk, which will aid local authorities in deciding what projects to inspect.

A weighting will be applied to the responses given as part of the online assessment, which must be completed for each building. This will allow the identification of higher risks related to matters such as height, consequence class, type of structural material etc.

In order to calculate the risk score, consideration may be given to a range of factors including but not necessarily limited to;

1. Building Use by Purpose Group – see Appendix 2 as defined in TGD B.
2. Types of Works (e.g. new build, extension, material alterations or material change of use)
3. Type of Construction (e.g. masonry, steel, timber frame, modular etc.)
4. Building height, number of stories above ground, below ground)
5. Number of buildings
6. Floor area of the building
7. Notice type: Commencement Notice with Documentation, Commencement Notice without Documentation, 7 Day Notice, Commencement Notice with Opt Out Statutory Declaration
8. Change in notified parties (e.g. Builder/Owner/Assigned Certifier changes during project)
9. Building Control Officer's professional discretion (e.g. geographic Location, past experience)
10. Building Regulations Online Assessment – see Appendix 1

11. Roles -all four roles, teams

Consideration may be given to related applications for developments such as Disability Access Certificates, Fire Safety Certificates, Regularisation Certificates, Revised Fire Safety Certificates, Revised Disability Access Certificates, Dispensations and Relaxations from the requirements of the Building Regulations.

2. Random Based

The provision of the risk assessment output will identify the highest risk buildings or works notified to a Building Control Authority. These may be the most appropriate buildings or works to be inspected. However, it is necessary to ensure that as broad a range of building types and construction works are inspected, in pursuance of natural justice and good public service delivery.

To this end, the Building Control Authority should carry out an appropriate level of random based inspections.

Building regulations apply to some works, which do not require a commencement notice. Such works include; small extensions, material alterations to domestic dwellings, and works related to parts G, H or J, of the Building Regulations. These may be inspected from time to time.

3. Complaints Based

In order to ensure best practice in governance and public services management all complaints should be recorded, considered and receive an appropriate response.

On receipt of a complaint it should be assessed to determine the following;

- Does the complaint relate to Building Regulations?
- Does the complaint relate to Building Control Regulations?
- Should the complaint be referred to another section within the Local Authority, e.g. nuisance, environment, etc?

- Has the building works been completed within the last five years?
- Has enforcement action previously been taken in relation to the building?
- Is there currently any enforcement action underway on the building?
- Is the complaint related to mainly civil matters between private property owners?
- Care should be taken to appropriately manage potentially vexatious complaints².

Where it is determined that the complaint comes within the remit of Building Regulations an inspection may be carried out where deemed necessary on the basis of the risk presented.

Complaints should be submitted in writing.

4. Site Follow-Up / Repeat Inspection / Enforcement

The necessity for follow up or repeat inspections may be determined locally by the Building Control Officer based on consideration of the risk assessment and outcome of the initial inspection(s).

Additional inspections may be required where enforcement action is being considered or being undertaken.

5. Non-Technical Building Control Inspections

Non-technical inspections may be required to determine compliance with the Building Control Regulations including whether or not;

- The works have commenced within the 14/28 day commencement notice window.
- The works have commenced before the 7 Day Notice period has elapsed.
- The works have commenced if a Notice has been rejected as invalid or is left incomplete.
- The works have been occupied in advance of a Certificate of Compliance on Completion having been added to the Register.

6. Inspections related to Statutory Applications

Inspections may be required where an application is received by the Building Control Authority for any of the following;

- Fire Safety Certificate
- Revised Fire Safety Certificate
- Disability Access Certificate
- Revised Disability Access Certificate

² "Inspections driven by complaints or a particular event, in most cases are considered legitimate in that there is a sound reason which can be articulated for intervention. However, inspectorates must be cautious of malicious complaints that are triggered by a tit for tat type strategy or argument or one business competing against another to obtain an edge in the market place." OECD (2012) Julie Monk, *Reform of Regulatory Enforcement and Inspections in OECD Countries* p.35

- Dispensations / Relaxations from requirements of the Building Regulations.
- Regularisation Certificates (inspections related to Regularisation Certificates are set down in Article 20C(6) of the Building Control Regulations 1997 to 2015 and are restricted to considering the requirements of Part B³ of the Second Schedule of the Building Regulations as stated in Article 20C(4).)

Appendix 1: BCMS – On-line Assessment at Commencement Notice Stage

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Part A
Consequence Class
Do the works include a balcony?
Part B
Is a Fire Engineered solution proposed?
Has a cladding or curtain wall system been proposed?
Part C
Is the site located in an area of high radon?
Part D
Have you ensured that the design includes the use of proper materials which are fit for purpose and intended location and that these will be constructed in a workmanlike manner?
Part E
Has provision been made to providing reasonable resistance to impact and airborne sound, where required?
Part F
Has adequate means of ventilation been provided for people in buildings and to prevent excessive condensation?
Part G
How is drinking water to be provided to the site?
Part H
How is surface water to be drained from the site?
How is foul water to be drained from the site?
Part J
Location of primary fuel storage?
Part K
Has adequate provision been made for guarding to stairs, ladders, floors and balconies?
Part L
Has a Part L specification based on DEAP / NEAP been completed?
Part M
Has adequate provision been made for people to access and use the building its facilities and its environs?

³Where concerns relating to potential non-compliances with the remaining parts of the Second Schedule of the Building Regulations arise from an inspection relating to a Regularisation Certificate, they may be addressed under the enforcement policy.

Section 2: Inspection Methodology

Step 1: Legislation

1. Building Control Legislation 1990-2007ⁱ
2. Construction Products Regulations
3. Market Surveillance of Construction Products under S.I. 225 of 2013
4. Energy Performance in Buildings Directive
5. Other

Step 2: Works Which May Be Inspected

All works to which the Building Regulations Apply (except buildings occupied by Garda/Defence forces) which include works for which

1. **The completion of the building or the works, or Section 8. (2) (a)**
 - a. New Buildings
 - b. Extension
 - c. Material Alteration
2. **The material change in the purposes for which the building is used Section 8. (2) (b)**
 - a. Material Change of Use
3. **The completion of works for which Part G, H, J of the Building Regulations apply.**
 - a. Part G
 - b. Part H
 - c. Part J
4. Other

Step 3: Inspection Types- ref, Circular Letter BC 03/2017

1. **"Desktop Technical Assessment"** - means an office-based assessment checking for compliance with the Second Schedule to the Building Regulations of a valid Commencement Notice/ 7 Day Notice but excluding normal assessment procedures of FSCs and DAC's or an On-Site Technical assessment of the works for compliance.
2. **"On-Site Technical Inspection"** - means a physical site-based assessment of the works checking for compliance with the Second Schedule to the Building Regulations. This may include an office-based assessment prior to, or after the site visit but this should not be double counted in the column "Desktop Technical Assessment only".

Step 4: Possible Sources of an Inspection:-Inspection Programme

1. **Risk-Based**
 - i. Inspection chosen based on the BCMS risk matrix
 - ii. Inspection chosen based on an in-house risk analysis
2. **Complaint Based**
 - a. Following on from a external complaint
 - b. Following a referral from another internal Department
 - c. An inspection is requested by DHPCLG
 - d. A complaint by a member of the development team
 - e. Inspection programme initiated by the Building Control Section
3. **Random Based inspection**
4. **Site Follow-Up-Repeat Inspection**
 - a. A follow up inspection is required

- b. Inspection required by statute (Regularisation Certificates)

Step 5: Inspection Methodology

Step 5.1: Inspection Methodology - Pre-inspection Tasks:

- a. Record CN/FSC/DAC Number, Type, Description from BCMS
- b. Examine BCMS for owner, builder, assigned certifier's details etc.
- c. Look at drawings/technical reports/specifications on BCMS
- d. Request additional information if required
- e. Look at FSC & DAC drawings, report, and any conditions if available
- f. Seek clarification from TGDs, codes or standards if needed
- g. Check site location map, get Eircode, look at Google maps for directions to site
- h. Check file/discuss with other BCOs for any relevant historical information
- i. Complete pre-inspection H&S documentation including check weather (or follow your LA H&S protocols)
- j. Ensure relevant PPE is available
- k. Arrange access to site if required
- l. Bring authorisations & ID

Step 5.2: Inspection Methodology -Possible Actions on Arrival at the Site:

- a) Follow LA (or other) H&S protocols (these may include)
 - a. Park car safely
 - b. Complete any H&S documentation including a site-specific risk assessment
 - c. Record the weather conditions
 - d. Don the PPE required by your risk assessment
 - e. Be aware of any obvious H&S concerns.
 - f. Take a photograph of the Site Board & also an overall photo of the site.
- b) Enter site and go to site office if one is present.
 - a. Meet site representative (Site Engineer, Site Foreman etc.) Record their contact details
 - b. Comply with the Site induction (if required)
 - c. Examine all relevant construction drawings and details
 - d. Look to see the programme of works
 - e. Get the assigned certifier and design team's details confirmed
 - f. Seek any 3rd party certification that may be relevant

Step 5.3: Inspection Methodology -Possible Actions during the Inspection

- a. If a multiple building development, choose which buildings to inspect
- b. Mark buildings inspected clearly on a site plan if available
- c. Take GPS co-ordinates if possible
- d. Take an overall photograph of the building being inspected
- e. Note the construction stage (See COP & Framework for BCAs)
- f. Define & record scope / extent of inspection
- g. Record building number/name, type etc.
- h. Record any potential non-compliances with photographs, text, sketches etc.
- i. Seek clarification on/discuss non-compliance with the site representative

- j. Each non-compliance should be linked to a TGD clause

Step 5.4: Inspection Methodology -Possible Actions Prior to Leaving the Site:

- a. Discuss all potential non-compliances with the site representative
- b. Advise that potential non-compliances may be subject to a detailed code compliance check back in the office
- c. Caution the site representative in relation to possible offences
- d. If non-compliances are agreed, then seek a method & a date for rectification
- e. Consider a date for a follow up site inspection to review remediation work
- f. Record outstanding non-compliances and agreed remediation with dates
- g. Sign out from site if required

Step 6: Record of Inspection -Possible Actions on Return to Office:

- a. Check PPE for damage
- b. Review all recorded non-compliances
- c. Check TGDs, codes, and standards for each non-compliance
- d. Ensure all other recorded details are correct.
- e. Enter any H&S incidents or comments on the file; if applicable
- f. Set inspection record to reviewed & finalised
- g. Issue correspondence to builder, owner, and assigned certifier setting out potential non-compliances with photographs/sketches (unless already issued on site)
- h. Correspondence should also contain a disclaimer together with notes advising of offences under the BCA
- i. Correspondence could also refer to FAQ section on BCMS, or to a common problems list on the LA's website
- j. Decide on your next action; re-inspect, issue letter, investigate standards, seek clarification, do calculations etc.

Step 7: Record of Inspection -Correspondence & Contact with Development team:

- a. Record all correspondence, phone conversations etc with the development team as required

Step 8: Decision on Enforcement-Possible Stages towards Enforcement:

See enforcement Module.

Step 9; Reporting; Building Control Activity-Circular BC3-2017

- a. **Log record of Inspection-Service Indicators** (existing returns BC 3-2017, this may change)

The image shows five overlapping forms titled 'Building Control Activity (Page 1 of 1)' through 'Building Control Activity (Page 5 of 1)'. Each form contains a series of data entry fields, checkboxes, and sections for recording inspection details, material alterations, legal proceedings, and construction products. The forms are arranged in a grid, with the first form on the left and the fifth on the right.

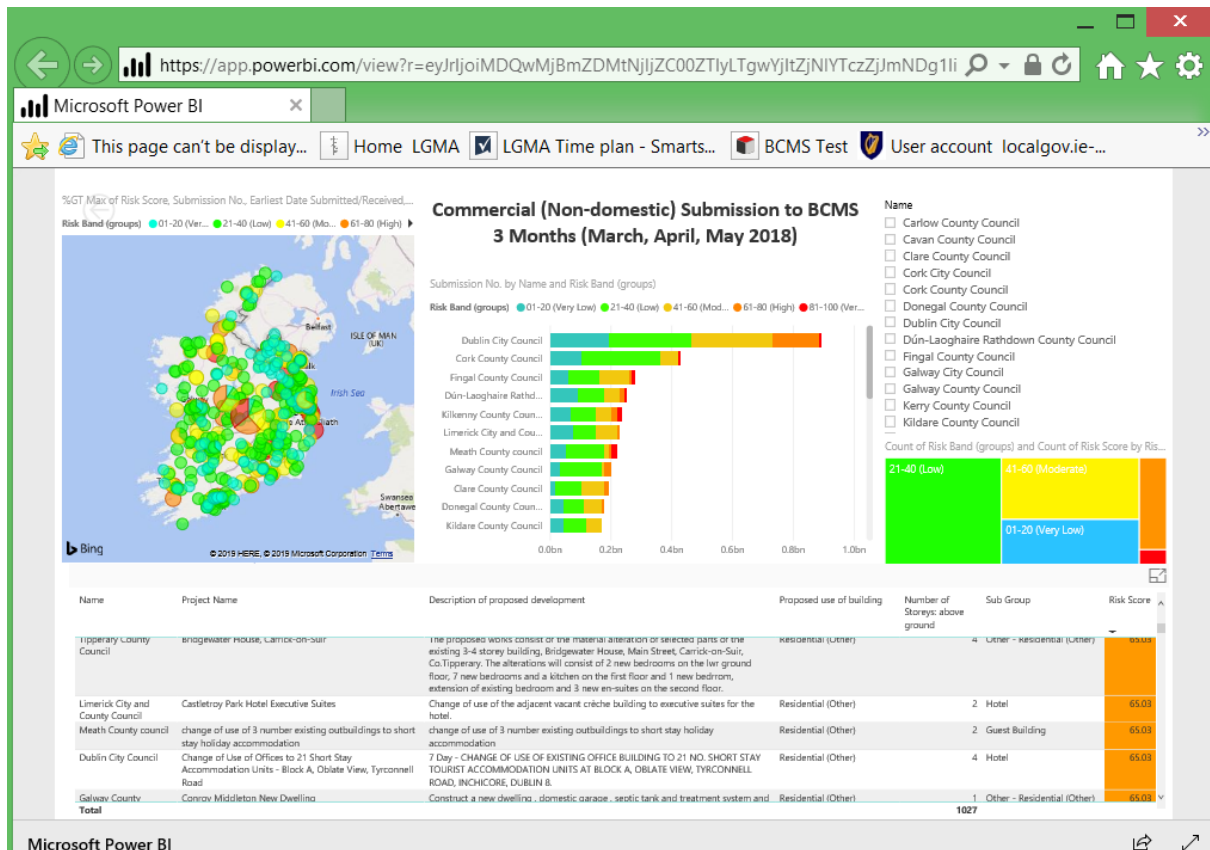
Section 3: Inspection Recording & Monitoring - Inspection App

Wexford design based on mock-up for Safire & PRIME

1. Power BI Tool

<https://app.powerbi.com/view?r=eyJrJoiMDQwMjBmZDMtNjIjZC00ZTlyLTgwYjltZjNIYTczZjJmNDg1IiwidCI6ImVmMjIjYTA3LWFiMDctNGNmOS04NTYyLWQ1YzViYjA0MTZmNCIsImMiOiIh9>

NBCO run the power BI tool-simplified risk -build on this incrementally-see how it works



2. Software/ licenses needed:

- ArcGIS / ArcGIS Online (AGOL)
- Survey123(App) import 20171130-IT-Inspection Module Field spec -compliance with



Building Regulations
Consolidated-Summary

A-M Building Regulations Summary

Need to consider the use of each LAs license v. a national NBCO one.

Powers of inspection by authorised persons.

Powers of inspection by authorised persons.

Section 11.—(1) In this section "authorised person" means a person authorised for the purposes of this Act by a building control authority or by the Minister, or by An Bord Pleanála, as the case may be.

(2) Subject to *subsection (7)*, any authorised person shall be entitled to enter at all reasonable times into any land (subject to his producing, if so required, his authority in writing as such person) and thereon inspect for the purposes of this Act any building, and any plans or documents relating to such building.

(3) Any authorised person may—

(a) inspect any building—

(i) following its completion, or

(ii) during its construction, alteration or extension, or

(iii) during the installation therein of any fittings, services or equipment to which

building regulations apply, or

(iv) in respect of which any material change takes place in the purposes for which such building is used;

(b) require to be informed by the owner or occupier of such a building, or by any person responsible for the construction of such a building, or by any of the aforementioned persons, to the extent that such persons have knowledge of the matters in question, as to the purpose for which the building, or any part thereof, has been, is being, or will be, used, the number of persons who are, or will be, employed or accommodated therein or who resort or will resort thereto, the substance of which any such building or any part of such building is constructed, and the method of construction employed and as to any other matter which the authorised person considers to be relevant;

(c) require the owner or occupier of the building, or any person responsible for the construction of the building, to provide such plans, documents and information as are necessary to establish whether the requirements of building regulations are being complied with in relation to the building;

(d) be permitted to take such samples of the materials used in the carrying out of any construction work or take such other action in relation to such construction work as may be necessary to establish whether the requirements of building regulations are being complied with in relation to the building.

(4) An authorised person shall be entitled to be assisted by such persons, and to bring with him such equipment, as he considers necessary to enable him to exercise his powers under this section.

(5) Any person who—

(a) refuses to allow an authorised person to enter any land or building or to take any person or equipment with him in the exercise of his powers under this section, or

(b) obstructs or impedes an authorised person in the exercise of any of the powers conferred on him by this section, or

(c) wilfully or recklessly gives, either to an authorised person or to a building control authority, information which is false or misleading in a material respect, or

(d) fails to comply with any requirement of this section, shall be guilty of an offence.

(6) Where an authorised person is prevented from exercising his power of entry into any land or building in the exercise of his powers under this section, the building control authority concerned may apply to the District Court for a warrant authorising such entry.

(7) Nothing in this section shall empower an authorised person to enter into, or to inspect any plans or documents relating to, any land or building which is—

(a) a prison or place of detention, or

(b) in the occupation of the Garda Síochána or the Defence Forces.

References;

[Building Control Framework for BCAs Version 1.1 June 2016 p38](#)

1. Appendix IV—Outlines the recommended
 - a. inspection Milestones throughout the Building Project;
 - b. main records which must be kept and filed in the BCMS from each of the inspections;
 - c. Building Stages/Milestones; and
 - d. Inspection template for non - complex dwelling houses;
2. Appendix V outlines the Building Regulation Elements for Compliance p46 i.e. an inspection must be carried out against a recommended standard/specification in this case Part A-M of the Building Regulations.
3. 11. Appendix VI -outlines the recommended
 1. Sample Inspection Form Developed for BCMS mobile phase
4. Appendix VIII p59 outlines the requirements/warrants for -Authorised Officers for the Built Environment -

[“Code of Practice for Inspecting and Certifying Buildings and Works -Building Control Regulations 1997 to 2015, September, 2016”](#) refer to Table 3C p 39

[Building Regulations](#)

Part A— Structure (2010)

Part B—Fire Safety (2017)

Part C—Site preparation and Resistance to Moisture Resistance (2004)

Part D—Materials and Workmanship (2013)

Part E—Sound (2014)

Part F—Ventilation (2009)

Part G—Hygiene (2011)

Part H—Drainage and Waste Water Disposal (2010) Amendment (2016)

Part J—Heat Producing Appliances (2014)

Part K—Stairways, Ladders, Ramps and Guards (2014)

Part L—Conservation of Fuel and Energy (2017)

Part M—Access and Use (2010)

[Codes Referred to in Technical Guidance Documents A to M see attached -Procure Access for 31 BCAs](#)

FAQ 11. Where can I find the Key Roles, Duties, and Standard Procedures in relation to Building Control?

1. CODE OF PRACTICE FOR INSPECTING & CERTIFYING BUILDINGS & WORKS - SEPTEMBER 2016

1. OWNERS, BUILDERS, DESIGNERS RESPONSIBLE FOR COMPLIANCE
2. ASSIGNED CERTIFIERS- LIAISE WITH THE BCA, INSPECTION PLANS & DOCUMENT COLLATION FOR CERTIFICATE OF COMPLIANCE ON COMPLETION

2. FRAMEWORK FOR BUILDING CONTROL AUTHORITIES – JUNE 2016

- a. BUILDING CONTROL AUTHORITY ADMINISTER THE PROCESS AND MAY TAKE ENFORCEMENT

Read Roles & Duties

“building control authority”	“building control authority” means a building control authority as defined in section 2 of the Building Control Act 1990-2014
“Building Control Management System”	“Building Control Management System” means the information technology –based system hosted by the Local Government Management Agency and developed to facilitate the electronic administration of building control matters by building control authorities as the preferred means of building control administration;
“Building Regulations”	“building regulations” in relation to all or any of the following—the design and construction of buildings; material alterations or extensions of buildings; the provision of services, fittings and equipment in, or in connection with, buildings; buildings as regards which any material change takes place in the purposes for which the buildings are used. Making provision for securing the health, safety and welfare of—persons in or about buildings, and persons who may be affected by buildings or by matters connected with buildings; making provision for the special needs of disabled persons in relation to buildings; making provision for the conservation of fuel and energy in relation to buildings; making provision for securing in relation to buildings the efficient use of resources; making provision for the encouragement of good building practice;
“Building Control Regulations”	“Building Control Regulations” 1991-2014 which provide for matters of procedure, administration and control for the purposes of securing the implementation of, and compliance with, the requirements of building regulations and building control regulations.
Competent Person (code of practice, inspecting & certifying buildings or works)	“Competent Person” : a person is deemed to be a competent person where, having regard to the task he or she is required to perform and taking account of the size and/or complexity of the building or works, the person possesses sufficient training, experience and knowledge appropriate to the nature of the work to be undertaken;
Authorised Person	“authorised person” has the meaning assigned to it by section 11;
Design	“design” includes the preparation of plans, particulars, drawings, specifications, calculations and other expressions of purpose according to which the construction, extension, alteration, repair or renewal concerned is to be executed and “designed” shall be construed accordingly;
Construction	“construction” includes the execution of works in connection with buildings and any act or operation necessary for or related to the construction, extension, alteration, repair or renewal of a building and “constructed” shall be construed accordingly;
Building	“building” includes part of a building and any class or classes of structure which are prescribed by the Minister to be a building for the purposes of this Act;
Works	“works” includes any act or operation in connection with the construction, extension, alteration, repair or renewal of a building;
Minor Works	“minor works” means works consisting of the installation, alteration or removal of a fixture or fitting, or works of a decorative nature;

Notes: