

Building Control Scoping and Service Level Document

Active Building Control Limited Services (ABC) is committed to providing our clients with the best possible service in the execution of our duties as a Building Safety Regulator (BSR) Registered Building Control Approver (RBCA). Whilst ABC performs an essential statutory service, there are several things that we cannot provide, for example:

- Provide quality control of the work carried out on the property.
- Provide a 'clerk of works' service monitoring every stage of the construction process.
- Provide services relating to the finish and aesthetics of the works completed.
- Provide a service offering contractual protection between the person carrying out the work and the parties engaged in the design/ construction work.
- Provide a guarantee of compliance with the Building Regulations.

It is important to remember, with the last point, that the appointment of ABC does not remove the legal obligation of the person carrying out the work to ensure it meets compliance with the building regulations relevant to the work. You can navigate to a Dutyholder Guidance leaflet to clarify your responsibilities by following this [link](#).

If you have recently purchased a property where ABC has provided the Building Control service for works undertaken, we would ask you to take this up with the person(s) from whom you purchased the property. ABC is contractually bound to the person from whom you purchased the property and cannot provide you with any support or information (other than site inspection records) as you are not a party to that contract. Any dispute you have with the former property owner should be taken up with them directly.

Any plans and other details, such as certificates, provided to us by clients or third parties, such as the designer or architect, remain their property. ABC cannot provide copies of these to you, as this would breach the owner's copyright. ABC can pass on to clients, and any subsequent owner of a property, a copy of its inspection records.

To meet its license requirements, ABC must always act fairly and impartially in performing its functions as an RBCA. We use any complaint received to improve the standards we uphold and look to meet and exceed those expected by our Regulator.

Receiving a final certificate is not a guarantee of compliance with the Building Regulations. The legal meaning of the certificate is that it is 'evidence but not conclusive evidence' of compliance. The Registered Building Inspector (RBI) only checks critical key parts of the work to form an opinion of likely compliance. The RBI does not check every piece of building material, how it has been fitted, or every aspect of the

submitted documents. It is the responsibility of those carrying out building work to comply with the Building Regulations. ABC will inspect the work on-site or remotely at appropriate stages, provided that the RBI is informed at the appropriate stages of work. These stages are informed to you on the Inspection Notification Regime, a copy of which can be found [here](#) (Inspection Notification Framework Link). However, you cannot rely on the Building Control system to ensure that your work complies with the relevant regulations; this responsibility for ensuring compliance ultimately rests with you and the parties carrying out the work.

ABC provides a transparent complaints process, and the following sets out some example instances of complaints that we can investigate:

- Failure to provide a service per our terms and conditions or to the standard expected of the service.
- Failure to fulfil our statutory responsibilities.
- Failure to implement a decision.
- Failure to comply with the BSRs Operational Standard Rules.
- Failure to comply with the BSRs RBCA Professional Conduct Rules.
- Dissatisfaction with the answer to a query or a response to a request for a service.
- Failure to properly consider relevant matters in coming to a decision.
- Discourtesy or unacceptable behaviour by a member of staff.
- Harassment, bias, or unfair discrimination.

Some complaints fall outside of the function of an RBCA, and ABC would not be able to offer extensive help concerning the following matters:

Criticisms of the scope or context of the RBCA service.

ABC must take such steps as are reasonable to enable us, within the limits of professional skill and care, to be satisfied that your building work is likely to meet the minimum requirements of the Building Regulations; this is its legal obligation as set out in The Building (Registered Building Control Approvers etc.) (England) Regulations 2024. For all submissions received and on which an Initial Notice is dated after 1 October 2023, it must also ensure that it is satisfied that you and the other dutyholders have undertaken their duties as prescribed within Part 2A of the Building Regulations 2010. If you are unsure about your duties, guidance can be found [here](#). Or you can read the full Part of the Regulations [here](#) (**Dutyholder Guidance**): <https://www.legislation.gov.uk/uksi/2010/2214/part/2A>.

ABC is not in a position, nor required, to inspect every aspect of your building work. It is important to note that we are not a Clerk of Works, Project Manager, or Contract Manager/Administrator. Should a post-construction defect become apparent after ABC has issued its final certificate, you must take this up with the builder with whom you would have a building contract. Several complaints are received by ABC every year when it becomes apparent that the roof flashing has failed, and you should note that it is not possible to see every flashing detail. Under these circumstances, you should contact your builder.

Where the defect is potentially non-compliant with the Building Regulations, ABC will attempt to help you in any way it can to resolve the issue and ensure that compliance with the regulations is achieved, although it is not obliged to do so. If the person responsible for the work refuses ABC's request to rectify the defect, you will need to seek redress through legal proceedings against them. Once it is issued, please note that there is no legal mechanism to withdraw a final certificate for the work, even if it is evidenced that the work does not comply with the regulations. Under such circumstances, you would need to seek redress from the person responsible for the work.

Criticisms regarding a Building Regulation technical assessment

It is ABC's role to ensure your work likely complies with the minimum requirements of the building regulations. If it judges that your work does not comply, it is obliged by law and license to inform you, and if the non-compliant works remain unaddressed, it may revert the works to the Council. Local Authorities have powers to enforce breaches of the Building Regulations. The action they can take is summarised within the Building Act 1984, and it can involve taking the responsible dutyholders to court for a fine, and they may serve a legal notice requiring you to remove or alter the offending work, which, after a prescribed time, they can undertake themselves, and recover their costs from those responsible.

Your attention is drawn to the fact that the Building Regulations are functional requirements. There are many ways to satisfy the requirements. The Government published a set of approved documents that, if followed, will imply compliance. However, these documents are for guidance only, and other solutions are possible.

Quality of the contractor's workmanship

Building Regulations are not a guarantee or warranty that the works comply with all standards. Our Inspectors only see your works in a snapshot of time. A legal requirement exists that the dutyholders must plan, manage and monitor the progress of their work to ensure compliance with the building regulations requirements.

If you have doubts about the competency of your contractors, you should discuss this with them and seek independent advice to resolve the dispute amicably, if possible or seek legal redress for the breach of the building regulations. However, if you are disappointed about the standard of decoration or the quality of the finish, this is rarely a building regulation issue.

ABC is not allowed under the code of conduct; it serves to get involved in the design of your project; however, we will do our very best to facilitate solutions that comply. The responsibility to comply is summarised within the [Dutyholder Guidance](#).

If it is evidenced that your builder has used inappropriate materials or has not undertaken work in a workmanlike manner, you should take the matter up with the Trading Standards department of your Local Authority, which deals with enforcement matters under the Construction Products Regulations.

The quality of construction work cannot be enforced under the Building Regulations.

- Party walls - Independent Party Wall Surveyor.
- Noise levels - Local authority Environmental Health department.
- Hours of work - Local authority Environmental Health department.
- Parking issues - Local authority.
- Dirt and rubbish - Local authority Environmental Health department.

Our role as an RBCA and our complaints process do not cover the following works. We have, however, provided recommendations on who you should direct your complaint to:

If ABC receives a complaint about the above reason(s), we will not be able to help and reporting it to us may delay suitable action being taken by the appropriate third party.

Concerning ABCs liability

The liability of ABC shall be limited to such sum as would be just and equitable for ABC to pay, having regard to the extent of the responsibility of ABC for the damage suffered on the basis that all statutory Dutyholders, Consultants, Contractors, and Subcontractors who have a liability shall be deemed to have provided contractual and legal undertakings to the Client on terms no less onerous than those applying in the case of this agreement and shall be deemed to have paid to the Client such sums as it would be just and equitable for them to pay to have regard to the extent of their responsibility for such loss or damage.

In assessing any liability arising from this agreement, ABC's liability will be determined as that of the local authority, having due regard to the limitations imposed by findings in the *Murphy v Brentwood District Council* (1989) 88 LGR 333CA. This reference is to a House of Lords decision limiting financial recovery from a building control body of pure economic loss in tort. We would also reference the Court of Appeal decision in *Lessees and Management Company of Herons Court v Heronslea Ltd and others* (2019) and the High Court decision in *Zagora Management and Others Ltd v Zurich Insurance PLC and Others*.

For further information about the liability of ABC concerning your work, you should refer to the Terms and Conditions document, which you can find [here](#).

Complaints

Please refer to our website for further details on our complaints process
<https://www.Activebc.com/contact/complaints>.