

Frequently Asked Questions

The following provides details of some of the most frequently asked questions Active Building Control has received concerning our services as a Building Safety Regulator (BSR) Registered Building Control Approver (RBCA). If you have a question that is not detailed below, please get in touch with us using one of the methods detailed at <https://www.Activebc.com/contact>.

Who is Active Building Control, and what do you do?

Active Building Control (ABC) is an RBCA providing a professional Building Control service on commercial and domestic projects. Our independent support helps our clients with Building Regulations approval. Please rely on your Active Building Control Registered Building Control Approver (RBI) to help you with help from the planning stage through the plan checking process and via site inspections as your build is developed through to its completion.

What is meant by the term Building Control?

Building Control is the term used to describe the statutory function performed by either your local council or by an independent BSR RBCA. It aims to check if your work likely complies with the Building Regulations. ABC can only assess likely compliance because the Government's aim is that Building Control Bodies (BCB) check the work only at certain critical stages, and your RBI does not see the work at all stages. When a BCB issues its completion or final certificate, it is deemed evidence, but not conclusive evidence, that the work complies with the relevant regulations. It does not remove the responsibility from the Client, Principal Designer or Principal Contractor and their subcontractors to comply with the regulations. Please refer to our Dutyholder Guidance document, which can be accessed [here](#).

What are the Building Regulations, and how are they used?

The Building Regulations are a set of minimum standards with which you need to consider and comply, as required, whenever you undertake the erection of a new building, extend a building or alter a building. The regulations set the minimum standards that you, your Designer and Contractor must follow to meet the government's requirements in the following areas:

- Securing the health, safety, welfare and convenience of people in and around buildings or others who may be affected by buildings or matters connected with them,
- Furthering the conservation of fuel and power,
- Preventing waste, undue consumption, misuse or contamination of water,
- Furthering the protection or enhancement of the environment,
- Facilitating sustainable construction, or
- Furthering the prevention or detection of crime.

What is the role of Active Building Control?

ABC's role as an RBCA is to consider compliance with the relevant regulations, and it will provide help when it is legally able to do so concerning the Building Regulations. Its role is to carry out reasonable checks to ensure that building works undertaken comply with the relevant Regulations; however, it does not provide a guarantee of compliance with the Building Regulations. When the work is complete, and all relevant information and declarations have been provided, it certifies that, as far as can be ascertained, the works meet the requirements of the Building Regulations.

To discharge this duty and allow us to issue a Building Control Final Certificate, we conduct a detailed assessment of any architectural drawings issued and carry out periodic site inspections during construction. These inspections are to carry out reasonable checks of the building works; however, we are not employed to act as a Clerk of Works to monitor every stage of the construction process, and the onus remains with the Dutyholders to achieve compliance with the Building Regulations. Please refer to our Dutyholder Guidance document, which can be accessed [here](#).

What matters are Active Building Control not able to help with?

Our role as an RBCA does not cover the following works; we have, however, provided recommendations on who you should direct your complaint to:

- 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

How do I make a complaint?

If you are not satisfied with any aspect of our involvement in your project, you can make a complaint to Active Building Control. Please visit our website <https://www.Activebc.com/contact/complaints> for further details on our complaints process and access to our Complaints Policy.

Do I always need Building Regulation approval?

Most building projects – even small extensions, structural alterations or improvements - need to comply with the Building Regulations. They apply even if planning consent is not required. However, some types of small works are exempt from control under the Building Regulations. For example,

- Small ground-floor extensions, such as porches or conservatories that are under 30m², may not require consent if they are thermally separated from the main house.
- Certain small, detached buildings like sheds, provided that they are constructed of non-combustible materials and they are not too close to boundaries or contain sleeping accommodation.

- Other kinds of minor improvements, such as replacement glazing or central heating, may be covered by a Competent Person scheme. Although these works are controlled by the building regulations, you don't need to apply for consent from an RBCA or the Local Authority.

How does the Building Regulation approval process work?

When you appoint an RBCA, an initial notice is served jointly on the Council. Acceptance of ABC's Terms and Conditions gives consent for it to sign the Notice on your behalf. The notice registers your intention to undertake the building work, and it is registered on a public register held by the Council.

After an RBCA has completed their inspections of your property and collated various certificates to satisfy itself that, within certain limits, you have complied with the regulations, it will issue a Final Certificate to you and the local authority, so that the register mentioned above can be updated. Along with the initial notice, the public register demonstrates to Property Conveyancers and other concerned parties involved in a property transaction in that the building work has been properly registered and completed.

Can I start work without a Building Regulation submission?

You can only start work without notifying a Building Control body when using a Competent Person scheme.

When using an RBCA for your building regulation work, the initial notice must be served upon the local authority at least seven days before any controllable aspect of the works may be started. This does not normally include preparatory work, but if in doubt, please check with us.

You must give formal notification of the ongoing inspections at your property; see the following guidance:

- [Inspection Notification Framework](#).
- [Dutyholder Guidance](#).

When and who do I have to call for an inspection?

When controllable works are due to start on site, we will need to inspect. Just phone your local office and they will be able to organise an inspection. The contact details will also be on the building control Information Sheet which we send to you when we are instructed.

You will also need to notify us when your work reaches certain stages. The stages relevant to your build are shown here. If additional inspection stages are required, you or your agent will be notified when a plan check is undertaken of your drawings.

In addition, ABC publishes an Inspection Notification framework, which you can find here.

What happens if I don't contact you for an inspection?

If you do not contact us for an inspection, we can consider other evidence to show that you have complied, such as photographs or professional reports. However, to avoid any complications, it is advised that you

contact us to inform us that you are ready for an inspection. The assigned RBI will help you through the process and answer any questions or concerns you may have. If you do not notify us, this could result in us asking you to expose work for further inspection and sometimes start that work again if it is non-compliant. To undertake retrospective work can be expensive and will involve additional inspection fees be chargeable.

If your work remains uninspected at the critical stages within the Inspection Notification framework, it may result in ABC having to cancel our Initial Notice and revert the works control to the Local Council, who will request a reversion application, which involves you paying a further fee; if your work is revealed to be non-compliant, the Council can also consider enforcement action against the Dutyholders.

How do you complete a site inspection?

The RBI, when contacted, will visit or contact you to discuss whether an inspection is required. They will inspect the element of work we have been called out to inspect, and they will take notes and photographs of the work. The RBI will take note of any non-compliances they have seen during the inspection and will discuss these with you and email the inspection report to the dutyholders as soon as possible after the inspection. For any non-compliances notified, you will need to arrange for further evidence to be prepared to show the works comply or have the rectification work inspected again (this can involve a further fee being charged for abortive work).

How can you help if I am not happy with the builder's work?

Your RBI is available to help as much as possible. They can help you with any building regulation compliance concerns, but our function is limited to this aspect only. RBIs only look for minimum levels of compliance, but your expectations of quality and the requirements of your contract with the builder may, quite understandably, be higher than the statutory requirements. It is the role of the BCB to assess compliance of the work, not negotiate a resolution with those responsible for compliance.

What is a Final Certificate?

The Final Certificate is a statement by an RBCA that the works likely meet the minimum standards of the relevant building regulations. Like the Initial Notice, the Final Certificate is sent to the local council for inclusion on the public register. Before we can issue the Final Certificate, there will be certain information that the RBI will need to collect from you.

If the works do not comply how long do I have to put them right?

If the works do not comply, ABC will write to you and give you a reasonable time in which to alter the work so that it complies. If it believes that the non-compliance is serious enough to warrant formal action, we can serve a notice requiring you to remove or alter the defective work within three months. This time limit is set by the regulations themselves, and if nothing is done within that time period, ABC must cancel the Initial

Notice. The Local Council may then serve a notice on you to undertake such works as are necessary to comply with the regulations.

What happens if the works are not fully completed and I want to move in?

If you move into a building which is non-compliant for more than four weeks, if your property is commercial or flats, and eight weeks for all other work, The Building (Registered Building Control Approvers etc.) (England) Regulations 2024 deem the Initial Notice invalid and the Council will reject our Final Certificate. You, therefore, need to be sure and notify ABC of your intention to occupy the building. ABC may request an extension of time to the Initial Notice, which is given by the Council at its discretion. This may give you a little longer to finish the work. But if it can not be demonstrated that your work complies, ABC must cancel the Initial Notice.

I have received a copy of a site inspection report for my property but I am not your contractual client, what should I do?

Whilst you are not our contractual client, as the owner of the property the BSRs Operational Standard Rules require that we notify you at the earliest opportunity where as part of our site inspection we have identified work being undertaken by your builder that is either non-compliant with the building regulations or is a potential non-compliance for instance where we need additional certification or information of some description. You should familiarise yourself with your role and ensure you communicate with the dutyholder responsible to ensure they address any noted non-compliance issues. You can find clarity about your duties in this guidance leaflet here.

It is important to note that as the owner of the property, you are ultimately responsible for ensuring the building's compliance with the Building Regulations, although we appreciate that you may have contracted with a builder to undertake the works for you in accordance with the Regulations. To reflect your ultimate responsibility, we have provided you with a copy of our site inspection record as explained above. If the builder fails to rectify the non-compliant work or provide us with the necessary additional information it may be necessary for us to issue the requests in a more formal letter or in extreme circumstances a statutory notice which if ignored for a period of 3 months would result in us having to cancel our appointment as the Building Control Body and reverting control of the works to the Local Authority.

We would encourage you to discuss the content of the inspection report with your builder to ensure that the required alterations or information requests are dealt with promptly.