

BUILDING CONTROL PERFORMANCE STANDARDS

MEMORANDUM OF UNDERSTANDING BETWEEN:

**The Association of Consultant Approved Inspectors (ACAI)
The Construction Industry Council (CIC)
Department for Communities and Local Government (CLG)
Local Authority Building Control (LABC)
The Local Government Association (LGA)
The Welsh Assembly Government (WAG)
The Building Control Alliance (BCA)**

Introduction

1. This Memorandum of Understanding concerns the reestablishment by the above-named bodies of the group known as the Building Control Performance Standards Advisory Group (referred to in this document as the "Advisory Group").
2. The Memorandum of Understanding comes into effect on 1 September 2009 and should be reviewed within three years.
3. This Memorandum of Understanding should not be interpreted as a binding agreement. It does not create legal obligations between the parties. It may be amended or terminated at any time by the signatory bodies acting in agreement. Amendments may include any made to reflect the resignation of a signatory body or the addition of a new signatory body. The resignation of a signatory body shall not require the consent of the other signatory bodies.
4. In the Future of Building Control: Implementation Plan, published in September 2009, BCPSAG have committed themselves publicly to introduce an expanded and improved set of indicators for all building control bodies, supported by a fully functioning performance management system by April 2011. The interim targets published in the Implementation Plan are as follows:
 - Publish report analysing returns from 2008-09 indicators - October 2009
 - Publish report analysing returns from 2009/10 indicators - October 2010
 - Outline proposal setting out new outcome indicators and proposals for a new performance management system - End 2009 (with BCA)
 - Pilot new and revised indicators - 2010 (with BCA)

Terms of Reference

5. The terms of reference of the Advisory Group shall be as follows:

- Regularly review the effectiveness of the standards and guidance, make recommendations for revisions and publish as appropriate,
- Strengthen, improve and maintain a set of relevant output driven Performance Indicators acceptable to all stakeholders,
- Collect and analyse the received performance data and devise a system of improvement measurement in building control performance benchmarking and/or peer review, with independent assessors,
- Publish and disseminate the results of the performance analysis to all stakeholders, and
- In liaison with the BCA, monitor complaints about building control bodies and input results to the first bullet above.

6. In these terms of reference

“building control” has the same meaning as in “Building Control Performance Standards”, i.e. the assessment of plans and the inspection of building work in progress, the giving of certificates at completion of work and the keeping of records of plans assessment and site inspection

“building control body” has the same meaning as in “Building Control Performance Standards”, i.e. it refers to local building control authorities in England and Wales and to corporate bodies and individuals approved as inspectors under Part II of the Building Act 1984

Chairman

7. The Chairman of the Advisory Group shall be Alan Crane CBE FCIQB, C.Eng, FICE. He is appointed for a term of three years beginning on the date of coming into effect of this Memorandum of Understanding. Subsequent Chairmen of the Group will be appointed by the Minister responsible for building regulations matters at CLG (“the Minister”) from amongst persons nominated by the signatories

Membership and Working Methods

8. In addition to the Chairman, the Advisory Group shall have members nominated by the signatory bodies as follows:

a) ACAI, CIC, LABC and LGA: one member each; BCA two members;

b) CLG: one member; and

c) WAG: one member.

In addition there will be:

d) a member nominated by the Building Regulations Advisory Committee from amongst its members. This additional member will not be the same person as the Chairman of the Group, in the event that the Chairman is also a member of the Building Regulations Advisory Committee;

e) three members appointed by the Minister to represent building users and construction clients. These appointments will be made after consultation between CLG and

(i) relevant representative organisations;

(ii) the other signatory bodies.

f) Members appointed by the Minister will be appointed for a maximum term of 3 years. The member nominated by BRAC and those nominated by the other signatory bodies will be appointed for a term that the nominating organisation decides.

9. In the event that a member nominated by any of the signatory bodies is unable to attend a particular meeting of the Advisory Group, the nominating body may send a substitute. In the event that the Chairman is unable to attend a meeting, the Secretariat shall arrange for another member of the Advisory Group to deputise.

10. The Group shall invite the Audit Commission to send an observer to its meetings, and it may invite the attendance of other observers.

11. In carrying out their work, members of the Advisory Group:

a) will aim to proceed by consensus;

b) will have regard, amongst other things, to the relevant provisions of the Building Act 1984, the regulations made under that Act, and the Local Government Act 1999;

c) will where appropriate, and in particular in relation to complaints about particular building control bodies, treat information received by the Group on an "in confidence" basis.

d) shall be enabled to co-opt an additional individual member(s) or signatory member(s) to serve for a term to be decided by the Group.

BCPSAG

Secretariat

12. The secretariat of the Advisory Group will be provided by the CIC for a period of three years beginning with the date of coming into effect of this Memorandum of Understanding. The signatory bodies will provide appropriate assistance with the costs of the secretariat function, by means of monetary contributions and/or contributions in kind.

30 September 2009

Signed on behalf of:

Chair..... *[Signature]*
BCA..... *[Signature]*
ACAI..... *[Signature]*
CIC..... *[Signature]*
CLG..... *[Signature]*
LABC..... *[Signature]*
LGA..... *[Signature]*
WAG..... *Philip Oliver Gardiner*

Print name

ALAN CRANE
PAUL TIMMINS
PAUL TIMMINS
GRAHAM WATTS
SARAH STURROCK
STEVE CURAS
Tony Hough
PHILIP OLIVER GARDINER