

# Building Regulation Consultation and Enforcement

## Standard Operating Procedure No. TFS - 022

### Document Overview: -

This document details the systems of work for statutory Building Regulation part B consultation between Wiltshire FRS and Wiltshire and Swindon Building Control (WSBC).

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This document has been Equality Impact Assessed in accordance with Wiltshire FRS procedure. To view the assessment please contact the TFSPM.

## 1.0 Introduction

1.1 This document details the systems of work for statutory Building Regulation Part B consultation between Wiltshire FRS and Wiltshire and Swindon Building Control (WSBC). It also details aspects of enforcement under the Regulatory Reform (Fire Safety) (FSO) Order 2005 and the Building Act 1984 and Building Regulations.

The procedures originate from the Memorandum of Understanding (MoU) between the two parties dated June 2007.

1.2 The following statements apply to this document

- This is not a technical guide
- The guidance for approved inspectors is included in Section 13
- Enforcement procedures are detailed in the appendices
- This document references the 2006 Edition of Approved Document B (Fire Safety) Volume 1 & 2. The 2006 Edition will come into force in April 2007
- This Standard Operating Procedure refers to the Building Regulations and Fire Safety Procedural Guidance ('Procedural Guidance') issued by the CLG in September 2006 ([Link](#))

## 2.0 Background

2.1 When a building is likely to be used for a purpose that is subject to the FSO, consultation between building control and the fire authority is an essential part of the building control procedure.

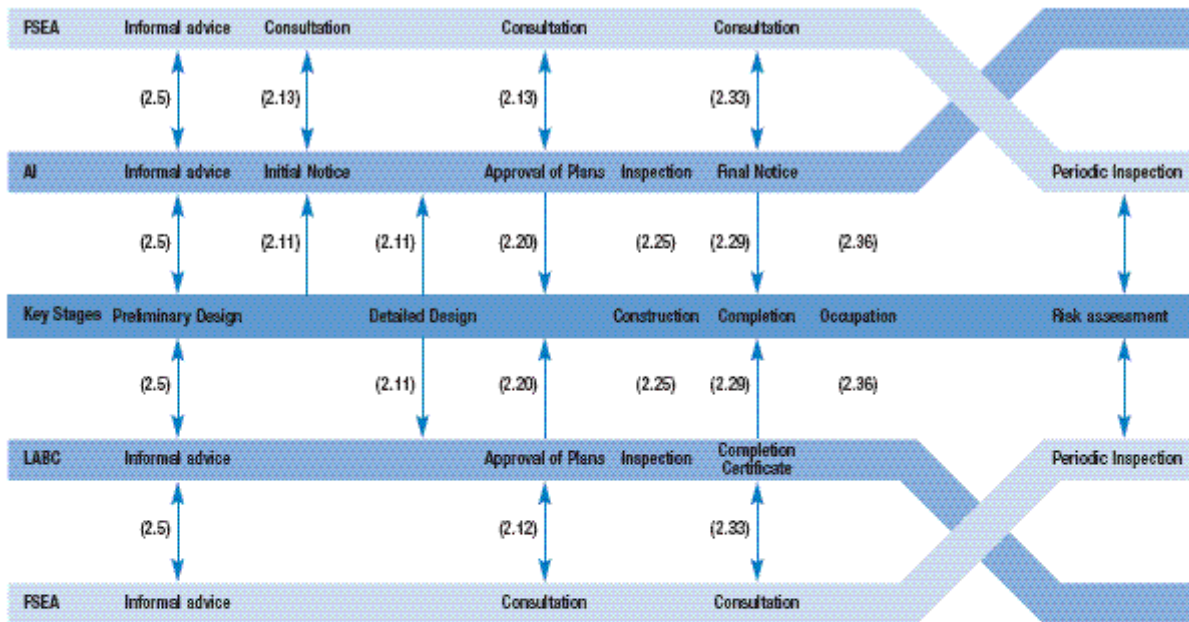
2.2 Whilst there are clear distinctions of jurisdiction between building work and an occupied building it is often impossible when considering the overall level of safety in a building to separate physical fire safety measures and the way in which the building will be managed when occupied. Therefore where the FSO applies or will apply after completion of the building work there is a statutory requirement to consult with the fire safety enforcing authority at certain stages of the process.

2.3 These consultations are necessary so that the fire safety enforcing authority is aware of the erection or alteration of buildings in which they may have a direct or indirect interest or responsibility. They also provide an opportunity to make the applicant aware of action that may have to be taken on non-building regulation matters in order to satisfy any other fire safety legislation once the building is occupied.

2.4 The key stages of consultation with respect to fire safety matters are in Diagram 1 (below). The diagram was lifted from the Procedural Guidance; therefore please disregard the numbers in brackets as they relate to text within the original document. They can be used, if required, to source information within the Procedural Guidance document

2.5 This document aligns the level and timing of interaction and WSBC and Wiltshire FRS with the process outlined in Diagram 1.

Diagram 1: Key stages of the fire safety process.



**Key**

- FSEA Fire Safety Enforcing Authority
- AI Approved Inspector
- LABC Local Authority Building Control
- ↔ Lines of Communication
- (2.25) Paragraph numbers for further information (**Disregard**)

**3.0 Regulatory Reform (Fire Safety) Order 2005**

- 3.1 The enlarged scope of the FSO has had an impact on consultation between WSBC and Wiltshire FRS. Before the FSO, consultation was limited to buildings included in the Fire Precautions Act 1971 and the Fire Precautions (Workplace) Regulations (as amended) 1999. Now by simple definition, any building which is not a single private dwelling will be included for statutory fire consultation.
- 3.2 Table 1 details the properties which are included in the consultation process:

Table 1 Properties covered by the FSO and where Wiltshire FRS are the enforcing authority

<b>Offices and shops</b>	Offices and retail premises (including individual units within larger premises, e.g. shopping centres, farms shops). <b>NOT: Crown Properties e.g. Court Houses, Custom and Excise Offices, Defence Property, Job centres, Prisons, Tax Office, Social Security Office, Probation Service Offices, Police Stations.</b>
<b>Factories and warehouses</b>	Factories and warehouse storage premises. <b>NOT: Farm Buildings.</b>
<b>Sleeping accommodation</b>	All premises where the main use is to provide sleeping accommodation, e.g. hotels, guest houses, B&Bs, hostels, residential training centres, holiday accommodation including caravans and chalets, <u>common</u> areas of flats, maisonettes, HMOs and sheltered housing. <b>NOT: Bail Hostels Military Barracks,</b>
<b>Residential care premises</b>	Residential care and nursing homes, common areas of sheltered housing (where care is provided) and similar premises, which are permanently staffed and where the primary use is the provision of care rather than healthcare.
<b>Educational premises</b>	Teaching establishments ranging from pre-school through to universities.
<b>Small and medium places of assembly</b>	Smaller public houses, clubs, restaurants and cafés, village halls, community centres, libraries, marquees, churches and other places of worship or study accommodating up to 300 people.
<b>Large places of assembly</b>	Larger premises where more than 300 people could gather, e.g. shopping centres, large nightclubs and pubs, exhibition and conference centres, marquees, museums, libraries, churches, cathedrals and other places of worship or study.
<b>Theatres, cinemas and similar premises</b>	Theatres, cinemas, concert halls and similar premises used primarily for this purpose.
<b>Open air events and venues</b>	Open air events, e.g. theme parks, zoos, music concerts, sporting events fairgrounds and county fairs. <b>NOT: Registered Stands or and building within a Licensed Sports Ground</b>
<b>Healthcare premises</b>	Premises where the primary use is the provision of healthcare (including private), e.g. hospitals, doctors' surgeries, dentists and other similar healthcare premises.
<b>Transport premises and facilities</b>	Transportation terminals and interchanges, e.g. airports, railway stations (including sub-surface), ports, bus and coach stations and similar premises. <b>NOT: The means of transport (e.g. trains, buses, planes and ships).</b>
<b>Miscellaneous</b>	Fire Stations. <b>NOT: Prisons, Prison hospitals</b>

- 3.3 For more information regarding the scope of fire safety consultation see the MoU Section 3.
- 3.4 For more information regarding the Regulatory Reform (Fire Safety) Order 2005 see the [RRO Standing Operating Procedure](#).

#### **4.0 Building Act 1984 and Building Regulations**

4.1 The Building Regulations are made under powers provided in the Building Act 1984, and apply in England and Wales. The current edition of the regulations is 'The Building Regulations 2006' edition. The majority of building projects are required to comply with them. They exist to ensure the health and safety of people in and around all types of buildings (i.e. domestic, commercial and industrial). They also provide for energy conservation, and access to and use of buildings.

4.2 The following types of project amount to 'Building Work' as defined in Regulation 3 of the Building Regulations:

- the erection or extension of a building
- the installation or extension of a service or fitting which is controlled under the regulations
- an alteration project involving work which will temporarily or permanently affect the ongoing compliance of the building, service or fitting with the requirements relating to structure, fire, or access to and use of buildings
- the insertion of insulation into a cavity wall
- the underpinning of the foundations of a building

4.3 The requirements with which building work should comply to the Building Regulations are contained in Approved Documents. They are grouped under the fourteen 'parts' below:

- Part A - Structure
- Part B - Fire safety Volume 1 & 2
- Part C - Site preparation and resistance to moisture
- Part D - Toxic substances
- Part E - Resistance to the passage of sound
- Part F - Ventilation
- Part G - Hygiene
- Part H - Drainage and waste disposal
- Part J - Combustion appliances and fuel storage systems
- Part K - Protection from falling, collision and impact

- Part L - Conservation of fuel and power
- Part M - Access to and use of buildings
- Part N - Glazing - safety in relation to impact, opening and cleaning
- Part P - Electrical safety

4.4 They set out the broad objectives or functions which the individual aspects of the building design and construction should set out to achieve. They are therefore often referred to as 'functional requirements' and are expressed in terms of what is 'reasonable', 'adequate', or 'appropriate'. Not all the functional requirements may apply to all types of building work, but all those which do apply should be complied with as part of the overall process of complying with the Building Regulations.

4.5 There are a number of classes of new buildings or extensions of existing buildings that do not need Building Regulations approval - subject to certain criteria on size, construction and position relative to boundaries being met. The following are examples of such buildings and extensions. However they may require planning permission.

- a) garden sheds
- b) summer-houses
- c) domestic garages
- d) greenhouses
- e) conservatories
- f) porches
- g) covered way
- h) covered yards
- i) carports

4.6 For more information on Building Regulations visit the Communities and Local Government website <http://www.communities.gov.uk/index.asp?id=1130474>

4.7 Alternatively, the Approved Document Part B (Fire Safety) Volume 1 & 2 provide a full narrative on the process. The Approved Documents are kept within each group community safety department or on the technical index via the intranet.

## **5.0 Planning and English Heritage**

5.1 When a building is listed, it is recognised as of special architectural or historical interest or both, and its details become part of a public record. Most significantly, the building is immediately protected by law, and any changes to it must first receive listed building consent.

- 5.2 Listing does not mean that a building is mothballed. What it does ensure is that any alterations respect the character of the building, and that the case for its preservation is fully taken into account when any redevelopment proposals are considered. The system of listed building consent is a flexible one: over 90% of applications result in permission being granted.
- 5.3 The owner of a listed building has to apply for listed building consent to the local planning authority. At various stages in the process, English Heritage has the role of advising local planning authorities and the Secretary of State for the Environment, Transport and the Regions on the most important applications.
- 5.4 Buildings can be listed because of age, rarity, architectural merit, and method of construction. Occasionally English Heritage selects a building because the building has played a part in the life of a famous person, or as the scene for an important event. An interesting group of buildings - such as a model village or a square - may also be listed.
- 5.5 The older a building is, the more likely it is to be listed. All buildings built before 1700 which survive in anything like their original condition are listed, as are most built between 1700 and 1840. After that date, the criteria becomes tighter with time, so that post-1945 buildings have to be exceptionally important to be listed.
- 5.6 The grades;

The buildings are graded to show their relative architectural or historic interest

- Grade I buildings are of exceptional interest
- Grade II\* are particularly important buildings of more than special interest
- Grade II are of special interest, warranting every effort to preserve them

- 5.7 Listing currently protects approximately 500,000 buildings, of which over 90% are Grade II.

## **6.0 Health and Safety The Construction (Design and Management) Regulations 2007 (CDM Regs)**

- 6.1 The CDM Regs replaces the Construction (Health, Safety and Welfare) Regulations 1996. These Regulations place responsibilities on employers, the self-employed and those persons who control the way construction work is carried out. Employees are also required to carry out their work in a safe manner.
- 6.2 Regulation 38-41, (Prevention of risk from fire etc, emergency routes and exits, emergency procedures and fire detection and fire-fighting) are normally covered by inspections by the HSE, however there are occasions when enforcement under the FSO may be required (see appendix C).

6.3 This matter is predominantly concerned with enforcement for the FSO on construction sites and is therefore included as Appendix C. However, as it is possible that Community Safety Inspectors (CSI) will visit construction sites as part of the consultation period, an awareness of the powers under the FSO are necessary.

## **7.0 Competency**

7.1 CSI's are expected to be trained to a suitable level before they can undertake Building Regulation activities. With the introduction of IPDS this document recognises the structure of technical fire safety development and competency. Persons undertaking Building Regulation consultation duties are expected to be either competent to do so, or under a structured development with support.

## **8.0 Procedure**

8.1 Due to the impact of the FSO, the process of consultation has been revised. It will ensure that an appropriate level of consultation is undertaken based on the perceived level of risk of fire once the building is occupied.

8.2 It was agreed that there will be two stages of consultation. Stage 1 consultation will act as a filter for full stage 2 consultation. All Building Regulations applications which do not meet the requirements below will be subject to a stage 1 consultation.

8.3 The scope for a stage 2 (Full) consultation is:

- Large and complex buildings
- Building with Fire engineered solutions
- Buildings that present high or unusual risks
- Buildings that are subject to license (Licence Act 2003, housing etc.)
- Buildings that may have implications for Wiltshire FRS resources

8.4 The buildings that are suitable for stage 1 consultation will be reviewed for compliance against Part B and any observations will be made against Part B (Fire Safety) only. Generic information will be provided for compliance against the FSO.

8.5 Building Regulation applications requiring consultation, regardless of stage will be received on a weekly basis from the relevant WSBC office. The guises in which the applications are received are down to local arrangements between the Wiltshire FRS group offices and their WSBC office. Suggested methods include:

- Weekly meetings where the CSI visits the Building Control Surveyor (BCS) at the Building Control office

- Weekly meetings where the BCS is invited to meet the CSI at Community Safety office
  - Applications sent in the post or collected from the BCS office on a weekly basis
- 8.6 The procedure outlined in this document is dynamic allowing it to be applied to local arrangements and priorities. The method adopted to receive the applications has minimal affect on the consultation procedure. Where a variation exists the appropriate procedure is described.
- 8.7 Both Stage 1 and 2 Stage procedures have the capacity for the CSI to request an audit of the property once occupied. In the generic terms, if an audit is required for a property for which Wiltshire FRS are the enforcing authority, then a completion certificate is requested from WSBC. Therefore to request an audit equates to the request for a completion certificate. The request for a completion certificate is done via a Completion Certificate Request Form ([link](#))
- 8.8 There is also the ability to provide information for operational consideration. For exchanging information refer to the [Information Sharing SOP](#).
- 8.9 Within the MoU there was clear guidance on the requirements of the material from WSBC. If the plans are not suitable for consultation then they should either be returned with an Insufficient Details Letter (BR1) letter ([Link](#)). If in the presence of the BCS, they should be stamped with the Insufficient Details stamp ([Link](#)) and retained by the BCS. If a job sheet has been raised for the work and if an Insufficient Details Letter (BR1) letter is required then there is no need to complete a Building Regulations Premises Details form (see section 11.4 below). The form should be struck through and discarded.
- 8.10 The acceptance criteria from the MoU are: Consultation from WSBC should be received with an attached consultation form with the Building Control Surveyor (BCS) comments. The form should be completed as far is practicable; this may include a schedule detailing the work required by the client to meet Part B functional requirements if not already demonstrated in deposited plans.
- 8.11 A written indication from the applicant of the final use of the building once occupied.
- 8.12 Plans should demonstrate the full extent of the works and compliance with Part B. This may be considered the whole building or floor if it is likely that the means of escape may be affected by the works. Electronic plans are to be received on CD in a format which is compatible with AutoCAD 2007 and Fire Plan.net. If plans are to be submitted via email, they should be sent to the email address of the relevant Community Safety Office.
- 8.13 The plans should be drawn to a scale which can be measured. If a scale is not practicable then the dimensions should be clearly provided.

8.14 Whilst it may be unrealistic to expect it in every case, for Building Regulations Applications which will receive a stage 2 consultation a pre-occupation fire risk assessment may be necessary. In addition, in line with the new Regulation 16B, Wiltshire FRS will require evidence that fire safety information will be passed from the applicant to the occupier's responsible person.

## **9.0 Job Sheets**

9.1 The workflow and job allocation for Building Regulation work is referenced in the Workflow TFS Bulletin ([link](#)). For more information contact the Technical Fire Safety Policy and Implementation Manager.

## **10.0 Stage 1 Consultation**

10.1 Once an application has been deemed suitable for a Stage 1 consultation it will be reviewed for compliance against Part B (Fire Safety) only. Stage 1 Consultation Letter ([Appendix E1](#)) will direct persons to guidance for compliance for the FSO.

## **11.0 Stage 1 Consultation with a request for an audit.**

11.1 A process chart for stage 1 consultation is in [Appendix E](#).

11.2 The stage 1 consultation Letter has a section which is to be completed by hand by the CSI. The letter is carbonated so please ensure that the script is clear and sufficiently hard to ensure it is legible on the bottom copy. Ensure it is signed and the CSI name is printed at the bottom of the letter.

11.3 Ensure that the address section of the letter is filled out with all the required information. The address will be used to search for the property on CFRMIS.

11.4 Once any comments (or 'No Comment') can be written, the details on the reverse of the bottom copy need to be completed. This is the Building Regulations Premises Details Form. The following required fields are:

- Job Reason: (See 9.0: Job Sheets, above)
- Inspection Type: (See 9.0: Job Sheets, above)
- Building Status: (See 9.0: Job Sheets, above)
- FSEC Code
- Time taken by the CSI
- An estimated risk rating of the building (based on the details provided within the application)
- Whether an audit is required. This is completed by the CSI if they believe the property should receive an audit once occupied
- If there are any operational concerns, the details should be completed including the nominated manager concerned

- Audit Confirmed and Time Scale. This is completed by Technical Fire Safety Station Manager B (SMB). If the SMB approves the audit request then they set a due date based on the options and estimated risk rating. The due date is number of months after receiving a completion certificate from WSBC
- 11.5 The risk rating applies to the whole building. It is the CSI judgement based on the information supplied from the application. If the information is not conclusive and the application is not sufficient then the risk rating should be marked as 'none'. The risk rating given to the building is taken from SOP 009 Fire Safety Audit Procedures ([link](#)).
- 11.6 The plans need to be stamped with consultation stamp ([link](#)) and signed off.
- 11.7 Depending on the location of the stage 1 consultation the following applies.
- 11.8 If based in a community safety office; if an audit is requested, both the top and bottom copy of the letter is passed together with the rest of the application to the SMB. The SMB will approve or deny the audit request and set a time scale. The file is passed to admin support for processing. If a SMB is not available then the request can be sent to their deputy of signed off by the CSI themselves.
- 11.9 If not based in a Community Safety Office; the top copy is removed and left with the BCS and the remaining letter is retained by the CSI. The above process applies on the CSI's return, but the top copy of the letter is omitted from the file.
- 11.10 Once the file reaches admin the following functions are undertaken:
- The job is raised on CFRMIS
  - The details from the Building Regulations Premises Details Form are put on CFRMIS under the property record
  - Close the job down and sign it off.
- 11.11 The bottom copy of the letter (the page with the Building Regulations Premises Details Form on the reverse) is passed for Fishing.
- 11.12 The top copy, if present, is sent to the originating WSBC office. If an audit was requested then a Completion Certificate Request Form is completed and attached to the letter.
- 11.13 Upon receipt of a completion certificate the following process is adopted.
- 11.14 Admin support search for the property's Building Regulations Premises Details Form on fish. Once that has been retrieved a fire safety audit (FSA) job is raised using the details from the form.
- 11.15 The job sheet is then passed to the CSI for completion.

## **12.0 Stage 1 Consultation without a request for an audit.**

- 12.1 If an audit is not required then the following procedure is applied.
- 12.2 The stage 1 consultation letter is completed as section 1 above. The Building Regulations Premises Details Form is completed but on the section regarding an audit it should be marked as 'No'.
- 12.3 The file is passed to admin support and the same process is applied, but the Completion Certificate Request Form is not attached.

## **13.0 Stage 2 Consultation**

- 13.1 A similar process applies as a Stage 1 consultation.
- 13.2 The plans as received from the BCS are passed to admin support with:
  - The due date. This should be fifteen working days from receipt of the plans
  - The inspection type (See 9.0: Job Sheets, above)
  - The job reason (See 9.0: Job Sheets, above)
  - The nominated Inspector
- 13.3 Admin will raise a job sheet based on the address and above information. A Building Regulations Premises Details Form is attached to the job sheet. The file is passed to the nominated CSI for action.
- 13.4 The consultation for approved inspectors will always be a Stage 2 (Full) Consultation. Approved inspectors should always receive an appropriate Wiltshire FRS standard letter regardless of the request of the approved inspector's correspondence.

## **14.0 Stage 2 Consultation with a request for an audit.**

- 14.1 A process chart for Stage 2 consultation is in [Appendix F](#). Stage 2 consultation is a full consultation. The BRL 2 or 3 letter is completed with the necessary comments.
- 14.2 The Building Regulations Premises Details form is completed: Note: the time taken is written on the job sheet not the Premises Details form
  - Job Reason: (See 9.0: Job Sheets, above)
  - Inspection Type: (See 9.0: Job Sheets, above)
  - Building Status: (See 9.0: Job Sheets, above)
  - FSEC Code
  - An estimated risk rating (based on the details provided within the application, (see section 11.5)
  - Whether an audit is required. This is completed by the CSI if they believe the property should receive an audit once occupied
  - If there are any operational concerns, the details should be completed including the nominated manager concerned

- Audit Confirmed and Time Scale. This is completed by the SMB. If the SMB approves the audit request then they set a due date based on the options and estimated risk rating. The due date is number of months after receiving a completion certificate from WSBC

14.3 The plans need to be stamped with the Consultation stamp and signed off.

14.4 If an audit is requested the MISC 3, job sheet and Building Regulations Premises Details form is passed together with the rest of the application to the SMB. The SMB will approve or deny the audit request and set a time scale (if needed). The entire file is passed to admin support for processing.

14.5 Once the file reaches admin support the following functions are undertaken:

- The letter is typed up in the normal fashion
- The details from the Building Regulations Premises Details Form are put on CFRMIS under the property record
- The job is closed down and signed off
- The BRL2 or BRL3 is sent to the originating WSBC office. If an audit was requested then a Completion Certificate Request Form is completed and attached to the letter

14.6 Upon receipt of a completion certificate the following process is adopted.

14.7 Admin support search for the property's Building Regulations Premises Details Form on fish. Once that has been retrieved a fire safety audit (FSA) job is raised using the details from the form.

14.8 The job sheet is then passed to the CSI for completion.

#### **15.0 Without a request for an audit.**

15.1 If an audit is not required then the following procedure is applied.

15.2 The MISC 3 is completed for a BRL2 or BRL3. The attached Building Regulations Premises Details form is completed but on the section regarding an audit it should be marked as 'No'.

15.3 The file is passed to admin support and the same process is applied, but the Completion Certificate Request Form is not attached.

#### **16.0 Communication, Correspondence and Jurisdiction**

16.1 The MoU has been drafted to allow the SMB and CSI to react to circumstances of the Building Regulations application. However there are clear parameters for CSI to work within.

16.2 Whilst the building is under application and construction and before a completion certificate has been issued then WSBC are the enforcing authority for the standard of work and the Health and Safety Executive (HSE) are the enforcing authority for

the FSO (see [Appendix C](#) for more detail). Wiltshire FRS (subject to [Appendix C](#)) is the enforcing authority once the completion certificate has been issued, the building is occupied or the works as specified in the application have been completed.

- 16.3 If there is a period of delay between the completion certificate being issued and the building being occupied than any enforcement activity should be only commence once the relevant WSBC office has been consulted.

## **17.0 Pre-consultation and consultation meetings and correspondence**

- 17.1 Pre-consultation and consultation meetings and correspondence can be undertaken for:-
- Large and complex buildings, or
  - Buildings that may have implications for Wiltshire FRS resources
  - Protracted urban developments, or
  - Fire engineered solutions
- 17.2 A pre-consultation meeting may be requested by the BCS or CSI. Requests are at the discretion of the SMB.
- 17.3 During consultation and consequent correspondence, advice given will be limited to Part B fire safety matters. Advice regarding the suitability of fire safety matters once the building is occupied may be given but this will be documented in a note for file.
- 17.4 Pre-consultation activities benefit all parties concerned but the CSI will acting as part of the statutory consultation and not the applicant.
- 17.5 All correspondence regarding fire safety matters should be addressed to the BCS, irrespective of the originating author. If necessary the applicant can be copied in for their information.

## **18.0 Post-Consultation Meetings and Correspondence**

- 18.1 Post-consultation meetings will be limited to applications that indicate the building could present a significant risk from fire once occupied. The risk may come about from failure to resolve outstanding fire safety issues or a departure from the Building Regulations application.
- 18.2 Post-consultation meetings can be requested by either the BCS or CSI. Requests are at the discretion of SMB. Information should be received about any concerns before on site meetings on site. This gives the BCS and CSI an opportunity to discuss the matter in private before meeting the applicant.
- 18.3 If the building has not received a completion certificate, the CSI will be acting on behalf of the BCS and any advice will be given on Part B (Fire Safety). Advice regarding compliance with the FSO may be given but documented in a note for file.
- 18.4 If the building is occupied, the enforcement of fire safety legislation is the responsibility of Wiltshire FRS. Consequently, if it is believed that an offence has

occurred, an audit may be undertaken and the appropriate enforcement activity taken by the CSI.

- 18.5 Plans received as part of the application can be requested by the CSI at any time. Electronic plans are to be received on CD in a format which is compatible with AutoCAD 2007 and Fire Plan.net. If plans are to be submitted via email, they should be sent to the email address of the relevant Community Safety Office.

## **19.0 Quality Assurance**

- 19.1 Work undertaken as part of the building regulation statutory consultation process will be subject to internal quality assurance. This is in line with the [Legislative Fire Safety Quality Audit Plan](#). In addition, once a year the WSBC offices will be asked to complete a quality assurance survey. This will come from the Technical Fire Safety Policy and Implementation Manager.

## **20.0 Procedure**

- 20.1 If an issue is brought to the attention of either the SMB or the senior Building Control Surveyor, the following procedure applies:-
- 20.2 First Stage: The case individuals are encouraged to come to a suitable arrangement. No record is made at this stage.
- 20.3 Second Stage: SMB Senior Building Control Officers will meet to resolve the matter with the individuals involved. Minutes of the meeting will be required by Wiltshire FRS.
- 20.4 Third stage: If the matter cannot be resolved then both parties need to determine the most appropriate course of action. If it is a matter for a determination then, depending on which legislation applies, that process is enacted. If it is a matter of individual conduct then a complaint can be made to the relevant organisation.
- 20.5 Any matter which is raised during the three stages above should be recorded and put forward for consideration when this Memorandum of Understanding is reviewed. If there are comments then they should be directed towards the Technical Fire Safety Procedure Manager.

## **Appendix A Alterations Notices**

Alteration Notices are not presently being issued by Wiltshire FRS.

If the circumstances arise which may warrant an Alterations Notice, the matter should be raised to the SMB or to the Technical Fire Safety Policy and Implementation Manager for review.

## Appendix B Regulatory Reform (Fire Safety) Order 2005 Enforcement

Due to Section 30 (5) (e):-

*'(5) Before serving an enforcement notice which would oblige a person to make an alteration to premises, the enforcing authority must consult—*

*(e) any other person whose consent to the alteration would be required by or under any enactment'*

If an enforcement notice details building work (see section 2.2) which may require consent, then those parties need to be consulted.

Those parties may include:

- Building Control
- English Heritage and Planning
- The lead authority for any licences

The level of consultation depends on complexity of the building and the required works. For simplistic issues the consultation may take place as an email or for more complex situations it may require full plan submission.

The correspondence should contain the enforcement notice schedule as it will be received by the responsible person.

When sending an email or letter, ensure that letter is addressed to an individual manager. If sending an email please request an email receipt from Outlook.

Consultation with WSBC carries a consultation period of fourteen days. If no reply is given in that time then assume no comment was made.

The responsible person will need to be made aware of the consultation between Wiltshire FRS and WSBC. This will be done in the Enforcement Notice building Control letter (Appendix B1). This letter should be sent registered post. If an Article 27 Notice is to be issued, refer to the Article 27 SOP ([Link](#)) for any additional advice contact the Technical Fire Safety Procedure Manager for advice.

The timescale on the Enforcement Notice will reflect that period necessary to gain necessary approval. If there is a delay that may affect compliance against the conditions of the Enforcement Notice, the responsible person may seek a time extension.

If, under Section 30(5) (c) of the FSO, an enforcement notice is served on a responsible person for a property with an Initial Notice in force, Wiltshire FRS will consult with the approved inspector that issued the Initial Notice and advise the relevant WSBC office.

## Appendix B1: Enforcement Notice Building Consultation Letter

Please ask for : CSI  
Tel No: (01793) 401240  
Email: swindon.firesafety@wiltshire.gov.uk  
Our Reference : /  
Your Reference:  
Date :

Dear Sir/Madam

### Regulatory Reform (Fire Safety) Order 2005

#### Premises:

This is written notification of our intention under Regulatory Reform (Fire Safety) Order 2005 Article 30 (5) (e) to consult with Building and Planning Control departments from *{enter name of Council}* on the matter of the forthcoming enforcement notice for the above premises.

*{Name of Council}* have been asked to respond by the *{Enter fourteen days time date}*.

Once we have received confirmation the enforcement notice will be served.

If you have any questions during this time, please contact the Inspector named above.

Yours faithfully

**Community Safety Inspector**

## **Appendix C The Construction (Design and Management) Regulations 2007 (CDM Regs) Enforcement**

The following paragraphs are extracts from *HSE OC 217/6 Fire Precautions and Liaisons between HSE/LA Inspectors and Fire and Rescue Authorities*. Please note, the referenced document cites the Construction (Health, Safety and Welfare) Regulations 1996, but recent interpretation of the CDM Regs recognised that there is minimal change to the HSE document and the following statements remain.

This section is included to enable CSI to react appropriately to fire safety concerns during meetings on site. If any CSI has any fire safety concerns then they should be directed towards the Technical Fire Safety Procedure Manager.

HSE is the enforcing authority for FSO for construction sites (as defined by Regulation 46 (1) (2) (3) of the CDM Regs) which are physically separate or separated premises.

However, there may be occasions when the powers of the FSO are applicable and Wiltshire FRS will be the enforcing authority. This is to be revised by the HSE in Spring 2007.

Where the construction site is contained within, or forms part of premises that remain or become occupied by persons other than those carrying out the construction work or any activity arising from such work, Wiltshire FRS is the enforcing authority for the general fire precautions (GFP) (as defined within Articles 8-23 of the FSO). This includes the premises containing the construction site.

The GFP requirements in respect of other construction work that is of a minor nature and does not constitute a construction site; e.g. decorating, are covered by the general requirements of the FSO and responsibility for enforcement rests with Wiltshire FRS as for the premises in which the work is being carried out.

In relation to such shared occupancy of premises, HSE Inspectors remain responsible for enforcement of process fire precautions matters and issues immediately connected with the work of the construction site.

HSE is responsible for the enforcement of GFP within the curtilage of the construction site, including accommodation provided in support of the construction activity; e.g. site offices. However, where such accommodation is separated from the construction site by, for example, distance, a road, or being in a separate compound, such that the GFP provision for one is not governed or influenced by the other, Wiltshire FRS is responsible for enforcement of GFP under the FSO. Such situations are likely to include construction site accommodation compounds that are provided for, but separate from large works of engineering construction, such as bridges, roads and tunnels.

Where sleeping accommodation is present within the curtilage of construction sites HSE will be responsible for enforcing the GFP requirements.

## **Appendix D Enforcement under the Building Act 1984**

If, during a fire safety audit of a property, it was suspected that works have been undertaken which should have been subject to Building Regulation then you are to inform WSBC. The SMB is also to be notified.

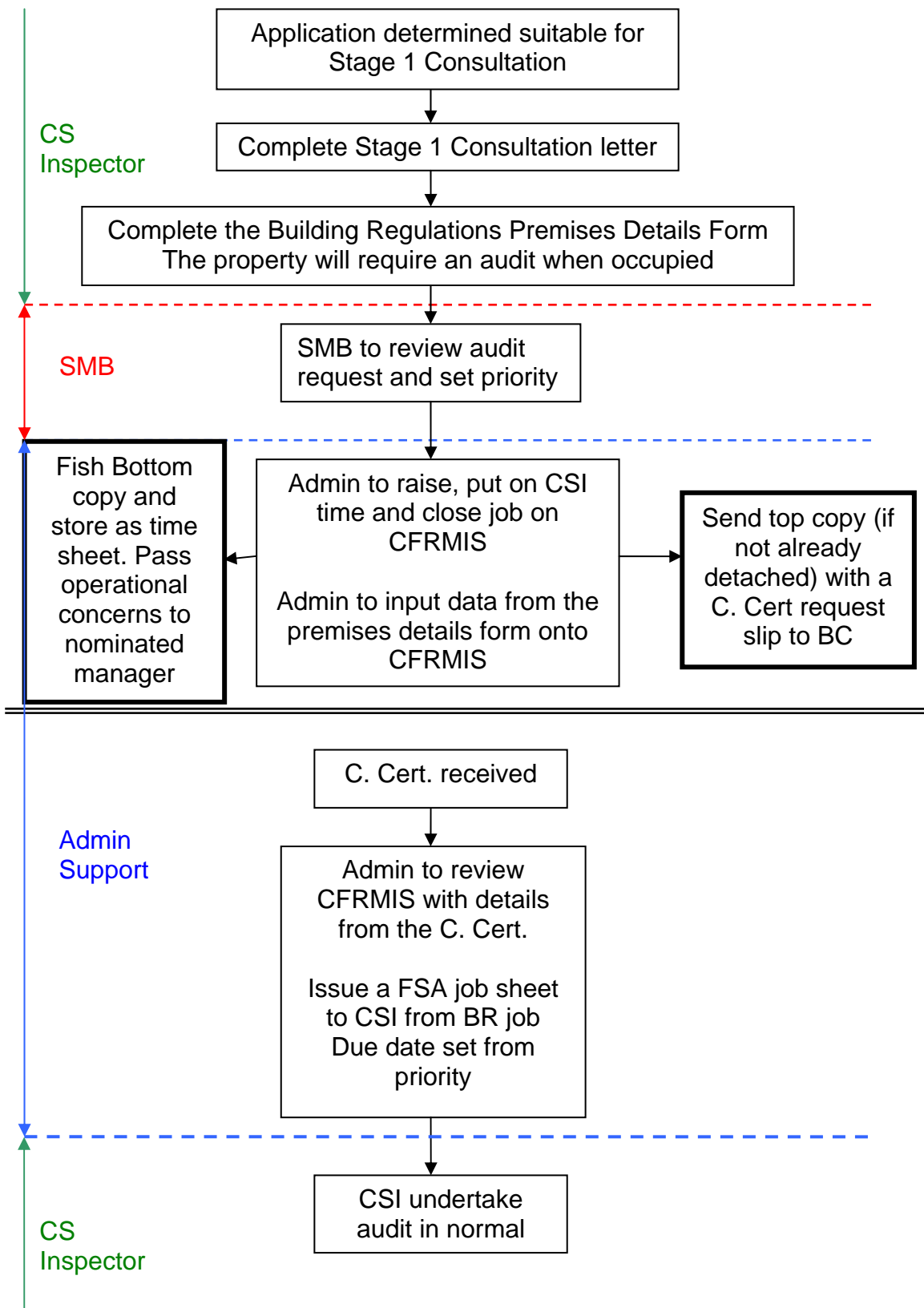
Whilst it is likely that the identification of unauthorized building works will be concentrated around fire safety matters, the following areas will be passed for WSBC for their consideration.

- If the building is structurally defective
- Where relevant, if sound insulation is inadequate, and
- Where relevant, if suitable access and facilities for disabled people have not been provided

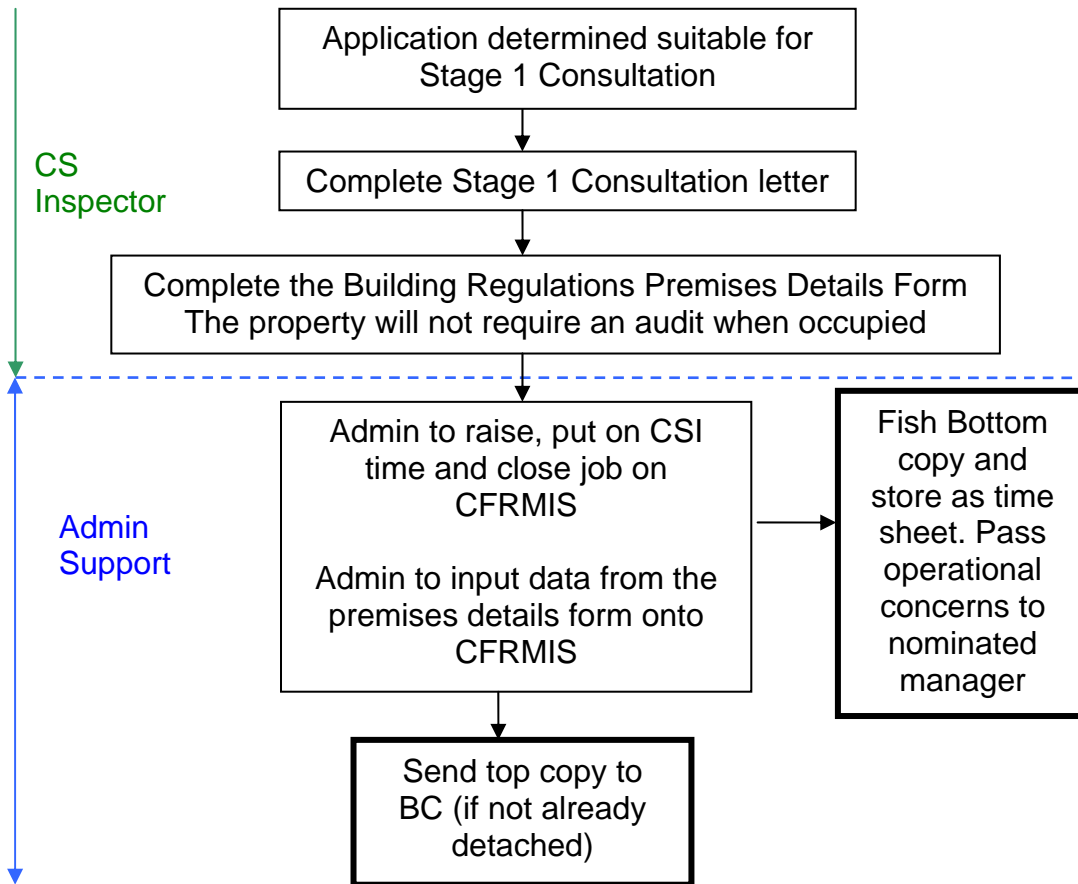
If CSI are requested, to provide statements to assist WSBC that can be done but any comment regarding the standard of fire safety can only be included once an audit has been completed.

Appendix E Stage One Process Chart.

**Appendix E1: Flow Chart: Stage One Consultation with a request for an audit.**



**Appendix E2: Flow Chart: Stage One Consultation without a request for an audit**



**Appendix E3: Stage 1 Consultation Letter**

**Wiltshire Fire & Rescue Service**

**Community Safety Group X**

**Town**

**Road**

**Post code**



Dear Applicant

**Application Number**.....

**Application Address**.....

The above application has been reviewed by Wiltshire Fire & Rescue Service against Building Regulations Part B (Fire Safety).

The following comments are made.....

The Regulatory Reform (Fire Safety) Order 2005 applies to virtually all premises and covers nearly every type of building, structure and open space.

It means that any person who has some level of control for the premises, part of premises or system within the premises is deemed the Responsible Person and must where necessary:

- provide suitable means of escape
- provide fire fighting media
- provide suitable means of warning and detection
- ensure there are arrangements in place to be taken in the event of a fire on the premises

If you need more practical advice or information you can get guides, suitable for your type of premises, from good bookshops and by downloading them from the internet at [www.firesafetyguides.communities.gov.uk](http://www.firesafetyguides.communities.gov.uk). For more information visit [www.fire.gov.uk](http://www.fire.gov.uk).

Yours faithfully

**Community Safety Inspector**

Print Name.....

**Appendix E4: Insufficient Details Stamp**

<b>WILTSHIRE FIRE &amp; RESCUE SERVICE</b>	
<b>PLAN NOT SUITABLE FOR CONSULTATION</b>	
REASON .....	
.....	
.....	
.....	
.....	
INSPECTOR No.....	DATE.....

# Premises Details Form

Please Tick.

Inspection Type  BR

Job Reason  BR1  BR2  BRFU  BRCP

Building Status  ACTIVE  UC  UO  DP

Active: Premises in use, UC: Under Construction, UO: Un-occupied Premises, DP: Demolished Premises

Risk Level  V. High  High  Medium  Low  V. Low  None

Audit requested when the building is occupied  Yes  No

Audit Confirmation and Priority  1  2  3  4  5  6  7

Operational Consideration: (please specify, including to whom)

.....

.....

.....


.....

Time Details:

Date	Activity Code	Min	Remarks	Comments
------	---------------	-----	---------	----------

- |                          |                    |                   |  |
|--------------------------|--------------------|-------------------|--|
| J1: Reading              | J4: Administration |                   |  |
| J2: Travelling           | J6: Plans          | J7: Documentation |  |
| J3: Inspection/ Activity | J5: Discussion     | J8: Other         |  |

**Appendix E6: Request for Completion Certificate Slip.**

<p><b>Wiltshire Fire &amp; Rescue Service Community Safety Office Road Town Post Code</b></p>	
<p>Building Application Number ..... Address ..... ..... .....</p>	
<p>Please can we have a copy of the completion certificate for the above application. When it is issued please send to the address above.</p>	
<p>Thank you</p>	

## Appendix E7: Insufficient Details letter (BR1)

Please ask for:	CSI
Tel No:	(01793) 401240
Email:	swindon.firesafety@wiltshire.gov.uk
Our Reference	/
Your Reference:	
Date :	

Dear Sir/Madam

**\*The Building Regulations 2000**  
**\*The Building (Approved Inspectors etc.) Regulations 2000**

Premises:

Building Regulations Application/Reference Number:

Plan No's:

I refer to your recent consultation with regard to the above application received on

From the information and plans provided there is insufficient detail on which to comment. This submission is therefore, inadequate for consultation purposes.

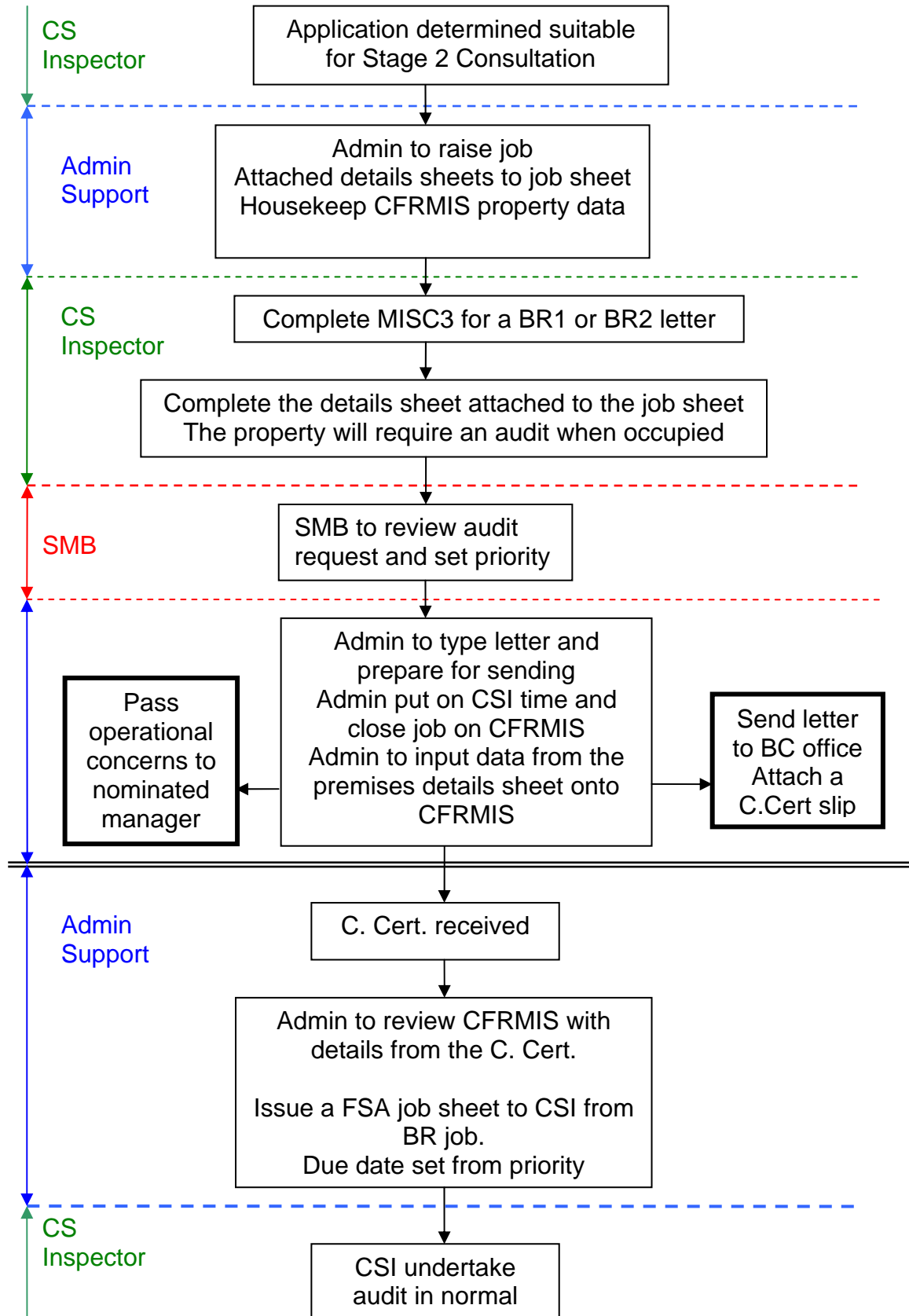
In accordance with Regulation 14 of the Building Regulations 2000, the applicant should be advised to provide fire strategy plans, which demonstrate compliance with Part B of the regulations.

Yours faithfully

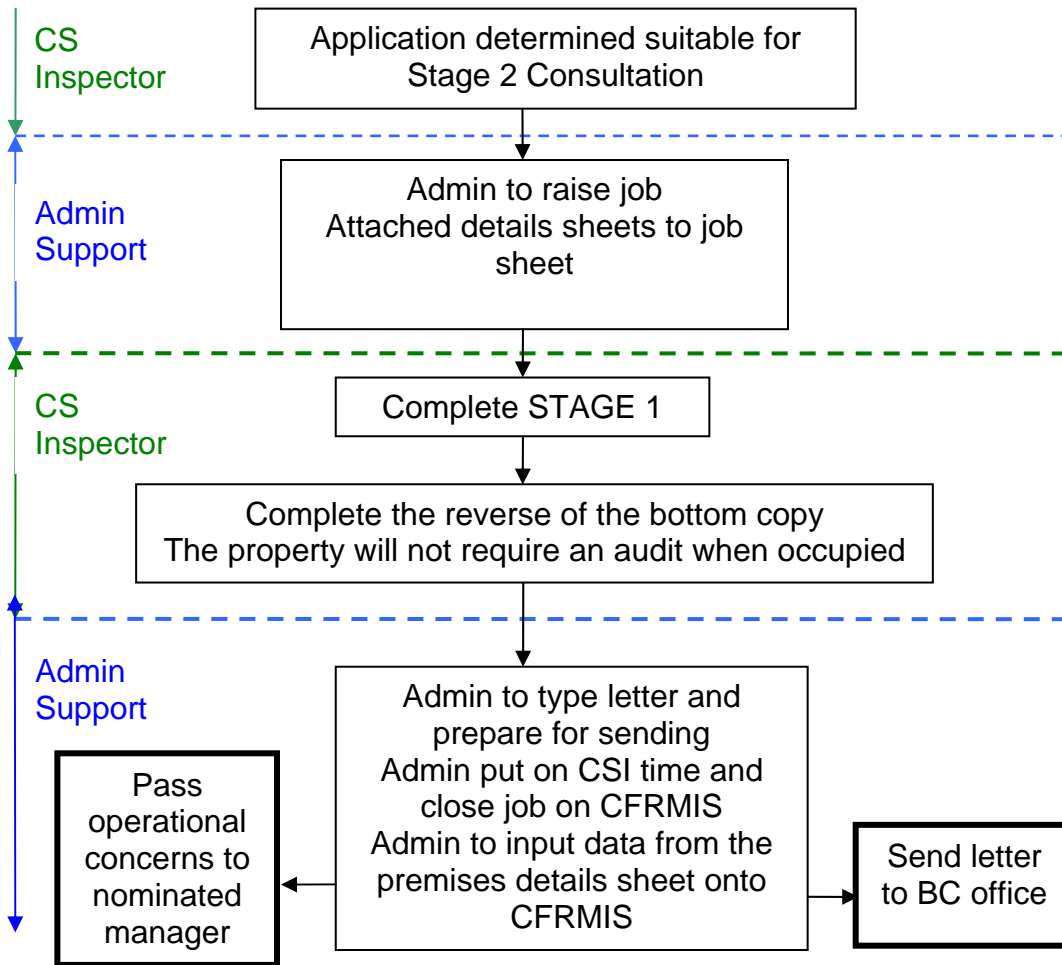
**Community Safety Inspector**

**Appendix F Stage Two Process Chart and Standard Letters**

**Appendix F1: Flow chart: Stage Two Consultation with a request for an audit.**



**Appendix F2: Flow Chart: Stage Two Consultation without a request for an audit**



## Appendix F3: Stage Two Consultation letter

Please ask for: CSI  
Tel No: (01793) 401240  
Email: swindon.firesafety@wiltshire.gov.uk  
Our Reference: /  
Your Reference:  
Date:

Dear Sir/Madam

**The Building Regulations 2000**  
**The Building (Approved Inspectors etc.) Regulations 2000**  
**Premises:**

**Building Regulations Application/Reference Number:**  
**Plan No's:**

I refer to your recent consultation with regard to the above application received on .

The comments the Fire Authority would wish to make at this stage are detailed on the attached Schedules as detailed below.

These comments relate to the following areas:

- (a) Matters, which will have to be complied with, when the building is occupied, under legislation for which the Fire Authority is the enforcing authority. (Schedule FS)
- (b) Matters, which will have to be complied with to meet other, fire safety legislation other than Building Regulations. (Schedule AP)
- (c) Matters, which are only advisory, and are not enforceable but which are designed to reduce property loss and improve safety in the event of fire. (Schedule GW)

In addition the Fire Authority may offer observations to the building control body in relation to the Building Regulations. If offered, these are clearly and separately identified (Schedule BR)

I would be obliged if, in line with agreed consultation procedures, the comments and observations generated by the Fire Authority could be forwarded to the applicant.

Yours faithfully

Community Safety Inspector

# WILTSHIRE FIRE & RESCUE SERVICE

## Schedule (FS)

### Fire Safety Legislation Requirements

**Premises:** ,  
**App/Ref No:**  
**Premises ID:**

The Fire Authority are of the opinion that, based on the information provided to date, these additional measures will be required in order to comply with the legislation stated when the premises are occupied. In many cases there will be alternative ways of achieving the same result. The Fire Authority would welcome suitable alternative proposals.

The Regulatory Reform (Fire Safety) Order 2005

Dangerous Substances Explosive Atmospheres Regulations 2002

Health and Safety The Construction (Design and Management) Regulations 2007

If the proposal involves construction work in an occupied building then the above regulations may apply. Sections 38-41 require suitable and sufficient fire safety arrangements to be provided.

In addition the Fire Authority request the following information to ensure that the arrangements are appropriate for the intended use of the building

# **WILTSHIRE FIRE & RESCUE SERVICE**

## **Schedule (AP)**

### **Precautions that will be required under associated legislation**

**Legislation:**  
**App/Ref No:**  
**Premises ID:**

It is likely that the following additional precautions and/or actions will need to be taken to comply with the legislation stated.

# WILTSHIRE FIRE & RESCUE SERVICE

## Schedule (GW)

### Goodwill Recommendations

**Premises:**  
**App/Ref No:**  
**Premises ID:**

These recommendations are made with the aim of improving fire safety and/or reducing loss through fire. They are not required by statute.

# WILTSHIRE FIRE & RESCUE SERVICE

## Schedule (BR)

### Part 'B' Comments

**Premises:** , ,  
**App/Ref No:**  
**Premises ID:**

The observations of the Fire Authority in relation to Part B of the Building Regulations 2000.

**Appendix F4: Stage two Consultation Letter – no comment**

Please ask for : CSIO  
Tel No: (01793) 401240  
Email: swindon.firesafety@wiltshire.gov.uk  
Our Reference : /  
Your Reference :  
Date :

Dear Sir/Madam

**The Building Regulations 2000**  
**The Building (Approved Inspectors etc.) Regulations 2000**

**Building Regulations Application/Reference Number:**  
**Plan No's:**

I refer to your recent formal consultation with regard to the above matter received on

There are no adverse comments or observations the Fire Authority would wish to make.

Yours faithfully

Community Safety Inspector

**Appendix F5: Consultation Stamp.**

<p style="text-align: center;"><b>WILTSHIRE FIRE &amp; RESCUE SERVICE</b></p> <p style="text-align: center;">PLAN RECEIVED FOR CONSULTATION</p> <p>BUILDING APPLICATION NO..... INSPECTOR No.....DATE.....</p>
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