

EXPLANATORY MEMORANDUM TO
THE BUILDING (ELECTRONIC COMMUNICATIONS) ORDER 2008
2008 No. 2334

1. This explanatory memorandum has been prepared by the Department for Communities and Local Government and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Description**

2.1 The Order makes amendments to the Building Act 1984, the Building Regulations 2000 and the Building (Approved Inspectors etc.) Regulations 2000 to facilitate the use of electronic communications for the service of a specified document required or authorised as part of the building consent process. This is in addition to the existing methods of service by hand or post set out in section 94 of the Building Act 1984.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None.

4. **Legislative Background**

4.1 This Order is being made under section 8 of the Electronic Communications Act 2000. Section 8(1)(a) gives the Secretary of State the power to modify any enactment for the purpose of authorising or facilitating the use of electronic communications.

4.2 The Order is made to enable the electronic giving or service of certain specified notices and other Documents provided for in the Building Act 1984 and subordinate legislation made under that Act which are currently required to be given or served in accordance with one of the methods set out in section 94 of the Act.

4.3 The Order inserts a new section 94A which sets out the conditions under which such a Document may be electronically given or served and the specified Documents which may be so given or served electronically. The Order also amends the Building Regulations 2000/2531 as amended to list those notices and other Documents provided for in those Regulations which are to be subject to section 94A and therefore capable of being given or served electronically. The Order makes similar amendments to the Building (Approved Inspectors etc.) Regulations 2000/2532 as amended.

5. **Territorial Extent and Application**

5.1 This instrument applies to England and Wales.

6. **European Convention on Human Rights**

The Parliamentary Under Secretary of State, Iain Wright, has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Building (Electronic Communications) Order 2008 are compatible with the Convention rights.

7. Policy background

7.1 This order adds an electronic method for the giving or service of Documents which are subject to the requirement to be given or served in accordance with one of the methods set out in section 94 of the Building Act 1984. This will enable the process for obtaining many forms of building control consent to be completed electronically, thus potentially saving time and expense to the public and private sector.

7.2 The amendments will allow the use of electronic communication but will be entirely discretionary. Those who do not wish, or do not have the means to communicate electronically will be able to continue to use the paper based methods prescribed by the current legislation. It will be a prerequisite for the use of the electronic giving or service that the recipient has consented in advance and has not withdrawn such consent. The recipient will be able to limit such consent to Documents of a specified description and may require a Document to be in a specified electronic form.

7.3 Provision for electronic service has not been made for all Documents subject to section 94 of the Building Act. Only those Documents where the recipient is likely to be able to receive Documents electronically and would consent to such receipt have been specified as capable of being given or served electronically. Such consent is unlikely to be forthcoming where the Document alleges a breach of building control or is part of an enforcement procedure and such a Document has not been specified to be given or served electronically.

7.4 This change is not considered to be politically or legally important. A 12 week public consultation was undertaken in October 2007. Only 33 formal responses were received, indicating that the level of public interest is relatively low. Included in the consultation was the proposal for the electronic communication of building control transactions. Overall, most respondents supported the broad principle to enable the electronic communication of Building Control Documents.

7.5 Some respondents to the consultation requested a single solution and channel for all building control communications, and best practice guidance. In response, we will be exploring options to accommodate this. This will include the development of a broader strategy for electronic communication, exploring how electronic communication of Building Control Documents could be streamlined through a single channel and examining how best practice guidance can be developed to help organisations and individuals develop their electronic communication capability.

7.6 There are already many organisations within the sector using electronic communication. However, although some work has already been done to open up the Building Regulations systems to accept electronic applications, take up is very low. A report from a survey of Building Control Bodies (published in March 2008) suggested that the reason for this was that some authorities may be waiting for the law to be amended before proceeding with this service. This provides further support for this legislation.

7.7 A Circular and supporting general guidance documents will be published on the Communities and Local Government website. There are currently no plans to consolidate the legislation.

8. Impact

8.1 An Impact Assessment is attached to this memorandum.

9. Contact

Florence Otim at the Department for Communities and Local Government Tel: 020 7944 4698 or e-mail: florence.otim@communities.gsi.gov.uk can answer any queries regarding this instrument.

THE BUILDING (ELECTRONIC COMMUNICATIONS) ORDER 2008

European Convention on Human Rights - Statement

I, Iain Wright, Parliamentary Under Secretary of State, hereby confirm that –

In my view the provisions of the Building (Electronic Communications) Order 2008 are compatible with the European Convention on Human Rights.

Signed: Iain Wright

Dated: 28 August 2008

Summary: Intervention & Options

Department /Agency: Communities and Local Government	Title: Impact Assessment of Enabling Electronic Communication of Building Control Documents	
Stage: Final	Version: 6.1	Date: 28 August 2008
Related Publications: Consultation paper, Summary of Responses, Circular and Circular Letter		

Available to view or download at:

<http://www.communities.gov.uk/planningandbuilding/publications/impact->

Contact for enquiries: **Florence Otim**

Telephone: **020 7944 4698**

The Building Regulations approval process involves individuals and bodies who may wish, or be required, to pass information to other parties. Due to advances in technology it is now possible to do this electronically which could contribute to significant efficiency savings. However, current legislation sets out ways in which this information may be communicated which could be interpreted as excluding electronic communication. Intervention is therefore necessary to modify the legislation to explicitly enable and encourage electronic

The objective is to amend the Building Act 1984 (The Building Act), Building Regulations 2000 (as amended) (The Building Regulations) and the Building (Approved Inspectors etc) Regulations 2000 (as amended) (The AI Regulations) to enable electronic communication of building control documents. The intention is to bring the Building Act and Regulations in line with industry practice and expectations, to enable more effective and efficient service delivery; and to significantly reduce administrative burdens.

What policy options have been considered? Please justify any preferred option.

- Option A - Do nothing
- Option B - Amend The Building Act, The Building Regulations and The AI Regulations to enable, on a voluntary basis, electronic communication of specified documents associated with the Building Control System where organisations and those carrying out building work choose to communicate in this way.

The Government's preferred option is Option B as this will offer organisations and individuals the option of sending/receiving documents electronically, where they prefer and have agreed to communicate in this way, as an alternative to paper based methods.

Oct 2010 two years after the proposed amendments
come into force in Oct 2008.

Iain Wright

28th August 2008

Summary: Analysis & Evidence

Policy Option: B	Description: Enable electronic communication
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COSTS	ANNUAL COSTS	Description and scale of key monetised costs by 'main affected groups': Local Authority Building Control Bodies (BCBs), Approved Inspectors (AIs), Competent Persons Schemes (CPSs) and Public Bodies: Negligible costs for those who have up to date IT systems. Should these organisations choose to go down this route, there may be some setting-up / upgrading and system maintenance costs where there are no existing/appropriate systems. Those carrying out building work: Negligible costs but some costs for installing and maintaining a new system where				
	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">One-off (Transition)</td> <td style="width: 40%; text-align: center;">Yrs</td> </tr> <tr> <td style="background-color: #ffffcc;">£</td> <td></td> </tr> </table>		One-off (Transition)	Yrs	£	
	One-off (Transition)		Yrs			
	£					
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Average Annual Cost (excluding one-off)						
£						
Total Cost (PV) £						

Other **key non-monetised costs** by 'main affected groups'

BENEFITS	ANNUAL BENEFITS	Description and scale of key monetised benefits by 'main affected groups' By e-enablement of the four transactions which currently constitute the greatest admin burdens, we estimate significant reductions of £38m by 2010. We expect substantial additional admin burden reductions as the remaining specified documents are also e-enabled				
	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">One-off</td> <td style="width: 40%; text-align: center;">Yrs</td> </tr> <tr> <td style="background-color: #ffffcc;">£</td> <td></td> </tr> </table>		One-off	Yrs	£	
	One-off		Yrs			
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<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Average Annual Benefit (excluding one-off)</td> <td></td> </tr> <tr> <td style="background-color: #ffffcc;">£ 38m</td> <td></td> </tr> </table>	Average Annual Benefit (excluding one-off)		£ 38m			
Average Annual Benefit (excluding one-off)						
£ 38m						
Total Benefit (PV) £ 38m						

Other **key non-monetised benefits** by 'main affected groups' For all sectors - increased efficiency and more effective service delivery.

That market demand will see 35 percent of all submissions e-enabled by 2010 and electronic communication will lead to efficiency savings of 53 percent.

Price Base Year2005	Time Period Years 10	Net Benefit Range (NPV) £	NET BENEFIT (NPV Best estimate) £ 250m
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				England and Wales	
				1 October 2008	
				CLG	
What is the total annual cost of enforcement for these organisations?			£ 0		
				Yes/No	
				Yes/No	
What is the value of the proposed offsetting measure per year?			£		
What is the value of changes in greenhouse gas emissions?			£		
				No	
Annual cost (£-£) per organisation (excluding one-off)		Micro	Small	Medium	Large
		Yes/No	Yes/No		

Nil

38m

-38m

Key:

Annual costs and benefits: Constant Prices

(Net) Present Value

Evidence Base (for summary sheets)

Background

1. The Building Regulations approval process involves an increasing number of individuals and bodies who are required to pass information to other parties. Advances in technology since the Building Act came into effect mean that it is now possible to transmit this information by electronic means which would assist with more effective service delivery and could contribute to significant efficiency savings.
2. However, the current Building Regulations legislation does not refer to electronic communications. Section 94 of The Building Act sets out the ways in which certain kinds of documents and information authorised or required by the Act or regulations made under it may be communicated.
3. Section 8 of the Electronic Communications Act 2000 grants appropriate Ministers powers to amend legislation for the purpose of authorising or facilitating the use of electronic communications. We propose to use these powers to modify The Building Act, The Building Regulations and The AI Regulations to allow electronic communication.
4. A public consultation¹ was undertaken in October 2007 for a period of 12 weeks and 33 formal responses were received.
5. The consultation package included three proposals: (1) Enable electronic communication of building control transactions (2) Enable the communication of specified transactions without signatures (3) Enable the use of electronic signatures on specified transactions which have to be signed.
6. Overall, most respondents welcomed the proposals to enable electronic communication of documents as this would reduce the overall administrative and storage burden on local authorities, and supported the proposal to permit electronic signatures. They expressed strong reservations about the removal of the need for signatures from specified documents.
7. For the purpose of these amendments, electronic communication means an electronic communication within the meaning of the Electronic Communications Act 2000. Section 15 of the Act interprets this as:

"electronic communication" means a communication transmitted (whether from one person to another, from one device to another or from a person to a device or vice versa)-

(a) by means of a telecommunication system (within the meaning of the Telecommunications Act 1984); or

(b) by other means but while in an electronic form;

¹ Enabling Electronic Communication of Building Control Documents - Consultation Paper:
<http://www.communities.gov.uk/publications/planningandbuilding/enablingelectroniccommunications>

8. The electronic communication of the specified documents is entirely voluntary. It offers organisations and those carrying out building work the option of sending/receiving documents electronically where they prefer and have agreed to communicate in this way, as an alternative to paper based methods.
9. The proposals are also discretionary as we recognise that many local authority Building Control departments, approved inspectors and competent persons may be at varying levels of electronic communication capability at the moment. We are therefore leaving it up to each organisation to choose the most appropriate electronic communication methods and technical solutions that best suit their needs.
10. Each organisation is advised to carry out their own research and analysis of the available technologies, taking any necessary advice from specialists/professionals to ensure that any technical solutions chosen fully meet their needs and the needs of those they will be sending documents to, and receiving documents from. Some considerations are to ensure that the solutions:
 - do not impose undue costs on their clients/partners/stakeholders etc.
 - are compatible with their existing systems/files/software etc.
 - are compatible and can communicate effectively, with the systems of their clients/partners/stakeholders etc.
11. Where any parties (such as clients/customers) do not wish, or do not have the means, to communicate electronically, and express a preference for communicating using the current paper based methods, local authority Building Control, approved inspectors and competent persons will be required to allow them to do so.
12. Please note that the amendments are not intended to enable electronic transactions between local authorities and other parties in respect of enforcement notices, although, if the local authority wishes, these transactions could occur electronically provided they are also made in accordance with section 94 as it currently stands.

Options

13. As a result of feedback from the consultation the proposal to remove the need for signatures has been withdrawn. In addition, further consideration of the proposal to enable the use of electronic signatures indicated that there was already provision for this so it was unnecessary to amend the legislation.
14. Consequently, only the two options below are now relevant:
 - Option A - Do nothing
 - Option B - Amend The Building Act, The Building Regulations and The AI Regulations to enable, on a voluntary basis, electronic communication of specified documents associated with the Building Control System where organisations and those carrying out building work choose to communicate in this way.
15. The Government's preferred option is Option B as this will offer organisations and individuals the option of sending/receiving documents electronically, where

they prefer and have agreed to communicate in this way, as an alternative to paper based methods.

Sectors and groups affected

- Local Authority Building Control Bodies
- Approved Inspectors
- Competent persons Schemes
- Public bodies
- Those carrying out building work

Option A: Do nothing

16. No new costs or benefits have been identified from this option. The annual administrative burden to business of obtaining buildings consent, relating transactions which constitute significant burdens was estimated to be £266m (PwC Administrative Burdens Measurement Exercise 2006). Subsequent simplifications which have already been made to these areas have reduced this burden to £207m.² We would expect this figure to remain relatively unchanged if no modifications were made to the legislation and no new initiatives were introduced as transactions would still occur in accordance with section 94 as it currently stands.

17. In addition, a report on a survey of Building Control bodies³ (published in March 2008) concluded that considerable work has already been done (and money invested) to open up the Building Regulations systems to accept electronic applications. The survey showed that 68 percent of local authority Building Control Bodies and 95 percent of Approved Inspectors already have electronic communication systems. However, it found that of those local authority Building Control Bodies that do accept electronic applications, the take-up rate was very low with 75 per cent of all LA BCBs receiving less than 5 per cent of their applications electronically. The report suggested that some authorities may be waiting for the law to be amended before proceeding with this service.

Option B - Amend The Building Act, The Building Regulations and The AI Regulations

General benefits for all sectors

18. The amendment to section 94 of the Building Act and Regulations should provide substantial benefits to the sectors involved in achieving and ensuring compliance with building standards as the amendments would remove any uncertainty about using electronic communication and encourage those who have already adopted these methods to confidently develop this capability; and those who have not, to consider it.

² These simplifications were detailed in the Department's "Simplification Plan - 2007 Update"

³ Survey of Building Control Bodies:

<http://www.communities.gov.uk/publications/planningandbuilding/surveybuildingcontrolrpt>

19. Electronic communication should also deliver a faster building control service and significant time and cost savings for stakeholders thereby enhancing the efficiency of the system and reducing the administrative burden on building control, industry and customers/clients. Specific benefits were highlighted by the Department for Business, Enterprise and Regulatory Reform (BERR) (then DTI) in their business guide to using Electronic Signatures (published on their website at http://www.berr.gov.uk/sectors/infosec/electronic_sig/page10057.html). This stated that:

“All businesses need to exchange information speedily, accurately and securely, both internally and externally. Doing this electronically, rather than on paper, provides significant advantages:

- Information arrives nearly instantaneously, regardless of distance.
- Once set up, the cost of sending each item is virtually nothing – no stamps, no post room, no envelopes, no fax machine, no fax paper.
- Information can move directly from individual to individual – desk to desk – without any other humans being involved.
- Information generally arrives uncorrupted, or there is a warning and retransmission easily follows – no more garbled faxes.”

Monetised benefits for all sectors

20. The amendments to the legislation shall make provision for the electronic communication of the specified documents listed in Annex A. Some of these documents were identified by PwC as those constituting significant administrative burdens (totalling £207m per year) of obtaining building consent. By May 2010 we expect electronic communication of these documents to save £38m (53% x 35% x £207) - workings showing how the figure of 53 percent was arrived at are in Annex B. This is based on the expectation that advances in technology, availability of electronic service providers and market demand will see 35% of all submissions sent electronically by 2010.

21. Details of the documents, their current administrative burden (based on PWC exercise less subsequent reductions in burden), estimated savings and the sectors that will benefit from the administrative burden reduction are summarised in the table below:

Documents	Current admin burden	Estimated savings	Sectors impacted
Notifying commencement of building work	£59m	£10.7m	Saving for those carrying out the work who would serve the document and AIs and BCBs who receive it.
Providing full building plans	£58m	£10.5m	Saving for those carrying out the work who would serve the document and BCBs who receive it.
Providing completion of building work certificate	£58m	£10.5m	Saving for BCB who would serve the documents.
Submitting an initial notice	£17m	£3.09m	Saving for AIs and clients who jointly serve the document to the local authority.
Filing full plans with the local authority where proposed work builds over a sewer	£6m	£1.09m	Saving for those carrying out the work who would serve the document and BCBs who receive it.
Providing a statement that occupier has been given certificate of compliance	£4m	£728,000	Saving for Competent Persons and BCBs who receive it
Provision of copy of results of sound insulation testing either to local authorities and the approved inspector.	£3m	£546,000	Saving for those carrying out the work who would serve the document and BCBs who receive it.
Applying for a regularisation certificate.	£874,102	£159,087	Saving for those carrying out the work who would serve the document and BCBs who receive it.
Issuing of final certificate by the approved inspector to the Local Authority	£704,959	£128,303	Saving for approved inspector who issues the document and the Local Authority who receive it.
Submission of a plans certificate to the local authority and to the person intending to carry out the work	£343,468	£62,511	Saving for approved inspector who submits the document and the local authority and person intending to carry out the work who receive it.
Submission of an amendment notice (that amends the initial notice for building works to the Local Authority	£167,319	£30,452	Saving for approved inspector who submits the document and for the Local Authority who receive it.
Total and savings	Costs £207m	£38m (rounded up from 37.674)	

22. We currently do not have equivalent data on the cost to the Building Control Community of serving the other documents on the list. However, although the complexity and volume of documents served will vary, we expect some of the processes and costs of serving the documents to be similar to those above, so these costs will be substantial. Electronic communication of these documents should therefore add considerably to the efficiency and administrative burden savings above.

Costs for local authority building control, approved inspectors, competent persons and public bodies

23. The amendments allow and encourage the use of electronic communication but are entirely discretionary. Those who do not wish, or do not have the means to communicate electronically will be able to continue to use the paper based methods prescribed by the current legislation.

24. These sectors will be required to continue to accept documents transmitted in the ways currently prescribed by the relevant legislation. Where persons carrying out work or others are unable or unwilling to use electronic communication, there are currently no projected cut-off dates. There will therefore be some minimal costs associated with processing these documents, but this should simply reduce the savings projected from the use of electronic transmissions, as the current system is based on hard copies and so there should be no additional cost in continuing with the process.

25. As mentioned above, a report on a survey of Building Control bodies (published in March 2008) concluded that considerable work has already been done (and money invested) to open up the Building Regulations systems to accept electronic applications. The survey showed that 68 percent of local authority Building Control Bodies and 95 percent of Approved Inspectors already have electronic communication systems. These results indicate that the electronic submission of applications is already viable for these sectors and therefore set-up and maintenance costs should not be a factor for the large numbers that are already e-enabled. In addition, Competent Person Scheme notifications are already carried out electronically. A number respondents to the consultation also indicated that they already had systems in place so there would be no additional costs.

26. For those who are not yet e-enabled, there are likely to be other costs associated with e-enabling if they choose to adopt this method. Local authority Building Control Departments, approved inspectors and competent persons will be expected to recover these costs from their charges/fees. However, we anticipate that these costs would be offset by the significant savings from electronic communication. These costs could include:

- researching available technologies
- acquiring relevant technologies
- full document management system linked to the property database
- staff training
- set up and maintenance costs (including IT posts)
- licensing
- data storage systems

- data retrieval systems
- hardware
- software costs
- publicity/marketing costs

27. Costs will vary in scale depending on the nature of electronic communication system adopted (basic email systems, for example, should cost less to develop and maintain than more complex multi-function systems). Feedback from the consultation indicated that set up costs could be between £10,000 - £60,000, (upgrading costs would be a fraction of this) and maintenance costs could be between £1,000 – £15,000 per year.

28. As mentioned above, each organisation is advised to carry out their own research and analysis of the available technologies, taking any necessary advice from specialists/professionals to ensure that any technical solutions chosen fully meet their needs and the needs of those they will be sending documents to, and receiving documents from. Some considerations are to ensure that the solutions:

- do not impose undue costs on their clients/partners/stakeholders etc.
- are compatible with their existing systems/files/software etc.
- are compatible and can communicate effectively, with the systems of their clients/partners/stakeholders etc.

Costs to those carrying out building work

29. The only expected costs of the proposed amendments for persons carrying out work are for those who do not have up to date IT systems, and/or those who use an approved inspector to supervise work. In the former case, if an organisation or person did not have an IT system, or its/his system was not suitable, there would be costs involved in installing and maintaining a new system if it/he wanted to make use of the electronic communication option. However, the Office of National Statistics stated on their website (<http://www.statistics.gov.uk/CCI/nugget.asp?ID=8>) that in 2007, nearly 15 million households in Great Britain (61 per cent) had Internet access and of these, eighty four percent had a broadband connection. We expect these numbers to have grown over the past year so the number of individuals who would not be able to access the internet at home, work or through alternative avenues should be relatively low.

30. In the case of those using an approved inspector, if they use electronic signatures, those persons and organisations would incur costs from investigating options and installing and maintaining the appropriate technology.

Implementation

31. The Department will be exploring a range of options to facilitate and support the e-enablement of the Building Control System. This will include:

- The development of a broader strategy for electronic communication
- Exploring how electronic communication of Building Control documents could be streamlined through a single channel
- Examining how best practice guidance can be developed to help organisations and individuals develop their electronic communication capability

Monitoring and evaluation

32. We will shortly be undertaking a research study which will provide further data on the current level of e-enablement and use of electronic communication within the Building Control system. The data gathered through this research study will be used as a baseline against which we will measure progress when we review the policy in 2010.

Specific Impact Tests: Checklist

Small Firms Impact Test

33. A public consultation was undertaken in October 2007 for a period of 12 weeks and 33 formal responses were received. The organisations and individuals who responded can be broken down as follows:

Architects	6%
Individual in practice, trade or profession	3%
Local authority - Building Control	52%
Professional body or institution	12%
Trade body or association	3%
Fire & Rescue Authority	6%
Approved Inspector	6%
Other	12%

34. The consultation package included three proposals: (1) Enable electronic communication of building control transactions (2) Enable the communication of specified transactions without signatures (3) Enable the use of electronic signatures on specified transactions which have to be signed.
35. Overall, most respondents welcomed the proposals to enable electronic communication of documents and supported the proposal to permit electronic signatures. They expressed strong reservations about the removal of the need for signatures from specified documents (this proposal was subsequently withdrawn).
36. Respondents were also asked to provide the following information relating to costs of e-enablement:
- a) Current time spent, and costs incurred, by your organisation in acquiring, completing and submitting hard-copy Building Control documents;
 - b) Potential costs to your organisation of developing / upgrading / maintaining your IT systems to allow full use of electronic transmission of Building Control documents;
 - c) Potential time that would be spent, and costs incurred, by your organisation in transmitting Building Control documents electronically.

37. Some of the responses to question (b) are quoted below:

None - standard system used, PDF creation software free - often use same drawings as used for planning

None, we spent £200,000 upgrading Uniform for E-Gov Planning last year. So we already promote and use "Submitaplan" www.submitaplan.co.uk and "DataSpace" (Resolution Ltd.) linked with 'Uniform' our backoffice database to handle all (hard copy and Electronic) applications. We accept all Competent Person notifications by XML emails via Uniform. But we still get around 500 hard copy 'cavity fill building notices' by post, per annum, which we have to manually scan onto our Uniform system at a total loss as there is no fee income for this legally required work. I have no idea on the costs of adding 'electronic signature reading and recording' to these software packages.

This will require a full document management system, linked to the property database, staff training and setup and future maintenance and licensing. Costs would depend on the way information is received/sent. At a guess - £60K.

£10K initially then £3K/annum but investment will be required by other aspects of our service and will reduce costs and delays in these areas also.

Current Building Control system not suitable to accept electronic applications coupled with current authority IT not suitable to accept electronic applications, not only the software, but also hardware such as replacement screens, printers and scanners. Costs would be in excess of £50,000 to implement.

Systems basically already in place, difficult to estimate proportion of cost of maintaining Building Control element as part of Council wide provision.

Nil, as already e-enabled

The cost would be large and the ability to work on site without a plan is unproven.

Upgrading our IT software would cost an estimated £4000. Majority of work has already been undertaken to benefit from remote working and efficiencies. Some work required to fully develop but no significant problems envisaged. Costs probably in region £15- 20k

Our IT department have estimated that there would be the cost of part of an IT post £10,000 and some hardware and software costs in region of £20,000. With some moderate ongoing costs to maintain the system.

Not applicable as a considerable sum has already gone into the provision

The cost is estimated to be £20,000 plus an ongoing yearly software fee of £1,000

Unquantifiable

38. The data provided by respondents to these three questions informed the cost calculations contained in this Impact Assessment.

39. Some general comments from respondents were that there should be a standard technical solution for all building control communications rather than the individual arrangements proposed and that best practice should be shared to help those authorities in the early stages of e-enablement. This could be developer led or perhaps another body e.g. LABC, CIBSE or the Building Control Alliance could provide some guidance.

40. In response to these comments, the Department will be exploring a range of options to facilitate and support the e-enablement of the Building Control System. This will include:

- The development of a broader strategy for electronic communication
 - Exploring how electronic communication of Building Control documents could be streamlined through a single channel
 - Examining how best practice guidance can be developed to help organisations and individuals develop their electronic communication capability
41. The amendment regulations will be coming into force on 1st October 2008 Common Commencement Date to help business plan for new legislation and to increase awareness of the introduction of the new requirements. These proposed amendments are entirely discretionary and where any parties do not wish, or do not have the means to communicate electronically, and express a preference for communicating using the current paper based methods, they can continue to use the methods currently prescribed in Section 94 of the Building Act 1984. However, those who choose to use this method are expected to benefit from significant time and cost savings and improved efficiency of the system. Overall, we estimate that e-enabling will save around 53% of the admin burden associated with obtaining building control consent.

Race, Disability, Gender Equality

42. We have undertaken an Equality Impact Assessment screening and do not expect any negative impacts on any of the groups covered by the test. These amendments are entirely discretionary. Where any parties do not wish, or do not have the means to communicate electronically, and express a preference for communicating using the current paper based methods, they can continue to use the methods currently prescribed in Section 94 of the Building Act 1984.
43. For those who choose to use electronic communication, we have made provisions that will allow them to ensure that any documents sent to them electronically are capable of being accessed and properly viewed using the particular software installed on their computer. Recipients will need to have consented in advance to electronic communication and should not have withdrawn this consent. They will be able to limit their consent to documents of a specified description and specify in advance the electronic form that documents must take if they are sent using electronic communications.

Carbon and Other Environment

44. We anticipate that this measure will also be carbon/environment friendly as it will reduce: the storage burden on organisations, the use of energy consuming devices such as printers and faxes and the use of paper, stamps, envelopes etc.

Competition, Legal Aid, Sustainable Development, Health, Human Rights, Rural Proofing

45. We do not consider that this proposal will have an impact on Competition, Legal Aid, Sustainable Development, Health, Human Rights and Rural Proofing.

	No	No
	Yes	No
	No	No
	No	No
	No	No
	No	No
	No	No
	No	Yes
	No	Yes
	No	Yes
	No	No
	No	No

The specified documents to be e-enabled

Documents specified in new section 94A of the Building Act 1984

1. Notice given about the passing or rejecting of plans
2. Notices in relation to the giving and acceptance of initial notice
3. Notice of rejection of a plans certificate
4. Notice rescinding acceptance of plans certificate
5. Notice of variation of work to which initial notice relates
6. Notice of change of person intending to carry out work
7. Notice of cancellation of an initial notice
8. Notice relating to the giving, acceptance and effect of public body's notice
9. Provision for acceptance of public body's notice
10. Provision for rejection of public body's plans certificate
11. Provision for rescinding acceptance of public body's plans certificate
12. Document containing plans or evidence which accompanies Initial notice
13. Document containing plans or evidence which accompanies Amendment notice
14. Document containing plans or evidence which accompanies a Public Body's notice
15. Plans certificate
16. Final certificate
17. Public Body's Plans certificate
18. Public Body's Final certificate
19. Combined Initial notice and Plans certificate
20. Combined public body's notice and plans certificate

Documents specified in the new regulation 22B of the Building Regulations 2000/2531 as amended

21. Building notice and any accompanying statement, description, particulars or plan
22. Full plans and any accompanying statement
23. Commencement Notice
24. Certificate or notice relating to self certification schemes
25. Completion certificate
26. Provision of energy performance certificate to building owner
27. Provision of notice to local authority that the energy performance certificate has been given to building owner
28. Results of sound insulation testing
29. Notice of the results of pressure testing
30. Commissioning notice
31. CO2 emissions rate calculations notice
32. Application for a regularisation certificate
33. Regularisation certificate - Document subject to provision in section 94A and document specified in new regulation 22B

Documents specified in the new regulation 22B of the Building (Approved Inspectors etc.) Regulations 2000/2532 as amended

34. Competent Persons certificate containing evidence that work complies with regulations
35. Provision of Competent Persons Certificate to the occupier
36. Provision of energy performance certificate to building owner
37. Provision of notice to approved inspector that the energy performance certificate has been given to building owner
38. Results of sound insulation testing
39. Notice of the results of pressure testing
40. Commissioning notice
41. CO2 emissions rate calculations notice
42. Notice of specifications to which the building has been constructed
43. Notice specifying the requirements not complied with and location of work
44. Notice relating to the removal of restrictions preventing the checking of work for compliance where there is no final certificate

Workings showing how the figure of 53 percent was arrived at

For paper based methods – we assumed staff costs of £30.00 and estimated the time it would take to process different types of documents (including registering, data entry, scanning). Based on estimates of the current costs of undertaking some activities associated with processing paper based documents (paper, printing, postage and filing) we calculated the costs of serving complex documents (that would require significant time to process and incur substantial associated costs), medium complexity documents, and simple documents (requiring minimal time and incurring minimal costs).

For electronic communication – we assumed that most of these labour intensive activities and costs would be substantially reduced or eliminated. The total cost was based on a calculation of the staff costs (which would remain the same), the reduced processing time and residual filing.

The difference between the costs of the two methods is the admin burden saving and this is indicated as a percentage figure. The average percentage figure from the three types of documents was 53 percent.

It should be noted that the figures below do not correlate with the indicative figures in the PWC Admin Burden Baseline Exercise, however we believe the 53 percent reduction in burden is transferable to that exercise and is therefore used as the basis of the “Impact on the Admin Burdens Baseline” calculation.

Paper based methods			
Item	Complex Documents	Medium complexity documents	Simple documents
Staff time (processing document e.g. registering, scanning, keying in data, filing etc.)	6hrs	4hrs	2hrs
Staff costs	£30.00	£30.00	£30.00
Paper & Printing	£10.00	£5.00	£2.50
Postage	£20.00	£10.00	£5.00
Filing	£10.00	£5.00	£2.50
	£220.00	£140.00	£70.00
Electronic communication methods			
Item	Complex Documents	Medium complexity documents	Simple documents
Staff time	4hrs	2hrs	1hrs
Staff costs	£30.00	£30.00	£30.00
Filing	£5.00	£2.50	£0.50
	£125.00	£62.50	£30.50
Savings			
Hard copy methods	£220.00	£140.00	£70.00
Electronic Communication	£125.00	£62.50	£30.50
Saving	£105.00	£77.50	£39.50
Percentage	47%	55%	56%
Average saving per document is 53%			