

This Factsheet is about complaints about Building Control. It should be read together with the general information leaflet about our service.

Building control refers to the requirement for supervision and control of building work, and services carried out by a local authority or approved inspectors. The main function of building control is to ensure compliance with the Building Regulations under the Building Act 1984. The purpose is to make certain that minimum building standards are met to protect the health and safety of persons in and around buildings. The Ombudsman can only look at a council's role in Building Regulation applications and Building Control issues. He cannot consider complaints about the work of approved inspectors.

### What the Ombudsman can do

He can look at:

- whether a council has taken reasonable steps to assess plans and inspect building work at its various stages to determine whether the development complies with the Building Regulations
- a complaint that a council made an error in approving building work which should not have been the subject of approval
- whether a council has taken enforcement action in connection with building work which does not comply with Building Regulations and which affects a third party.

### What the Ombudsman cannot do

He cannot look at:

- a decision made by a council where there is a right of appeal to the courts or to the National Assembly for Wales. Such a right exists when Building Regulations approval is refused and a complainant is normally expected to exercise their right of appeal.
- complaints about damage caused by a neighbour's building work which has been approved in an appropriate manner by the council. It would normally be a matter for legal action against the neighbour.
- complaints about a defect to a property which existed before purchase and which could have been identified in a survey.
- complaints involving a property that has a current National House Building Council (NHBC) warranty.

## Issues to bear in mind

The developer has a duty to ensure that the structure built complies with Building Regulations.

Any approval notice or completion certificate issued by a council is not a guarantee or warranty. They reflect the reasonable steps it should have taken to inspect the works.

The courts have held that local authorities undertaking their Building Control function are not responsible for any economic loss resulting from their actions.

The site inspection function of a council is not a substitute for the supervision of the project. In other words, it does not act as a Clerk of Works and it is advisable to employ an agent to oversee a development, particularly as the council is not responsible for the standard of work of the builder.

## Further information

**The Department of Communities and Local Government** provides information about Building Regulations and Building Control on its website [www.communities.gov.uk](http://www.communities.gov.uk) .

The Department has issued non-statutory guidance for Building Control Bodies compiled by an advisory group entitled "**Building Control Performance Standards**" this can be found at <http://www.planningportal.gov.uk/england/professionals/en/400000000018.html> The website also sets out useful information concerning Building Regulations.

[NB: Building Regulations are due to be devolved to the Welsh Assembly Government in 2011]

The Ombudsman is independent and impartial; he cannot order public bodies to do what he recommends – but, in practice, they almost always do.

Examples of cases that the Ombudsman has looked at can be found on our website. Please see [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk)

**If you are unsure whether the Ombudsman would be able to look into your complaint, please contact us:**

- **phone** 0845 601 0987;
- **e-mail** [ask@ombudsman-wales.org.uk](mailto:ask@ombudsman-wales.org.uk);
- **visit the website at** [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk);
- **write to:** The Public Services Ombudsman for Wales  
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