

DATE OF NEXT MEETING
<b>Date:</b> To be arranged
<b>Time:</b>
<b>Venue:</b>

**MINUTES OF A MEETING OF THE ALL PARTY PARLIAMENTARY BUILDING SERVICES ENGINEERING GROUP HELD AT 3PM ON 11 MARCH 2008 IN ROOM O, PORTCULLIS HOUSE, LONDON SW1**

**PRESENT**

Rt Hon John Spellar MP (Vice-Chair)

Ted King	-	Department of Communities and Local Government
John Hardaker	-	Hot Water Association
John Byrne	-	CORGI
Bob Towse	-	Heating and Ventilating Contractors' Association
Chris Sneath	-	Plumbing & Heating Industry Alliance
Steve Brawley	-	Electrical Contractors' Association
Prof Tony Thomas	-	London South Bank University
Danielle Yong	-	Royal Institution of Chartered Surveyors
Blane Judd	-	Chartered Institute of Plumbing & Heating Engineering
Keith Marshall	-	SummitSkills
Cedric Sloan	-	Federation of Environmental Trade Associations
Donald Leeper	-	Chartered Institution of Building Services Engineers
Samantha McDonough	-	Chartered Institution of Building Services Engineers
Andrew Eastwell	-	Building Services Research & Information Association
John Nelson	-	Specialist Engineering Contractors' Group
Harry Pooley	-	Association of Plumbing & Heating Contractors
Bill Belshaw	-	BESCA Ltd
Chris Brown	-	Chartered Institution of Building Services Engineers
Gareth Keller	-	Heating and Ventilating Contractors' Association

**APOLOGIES**

Claire Curtis-Thomas MP (Chair)

Clive Dickin	-	Association of Plumbing & Heating Contractors
Dr Peter Rumley	-	Society for the Protection of Ancient Buildings
Roger Webb	-	Heating and Hot Water Council
Frank Jones	-	Plastic Pipes Group
Iain Wright MP		
Robert Burgon	-	Scottish & Northern Ireland Plumbing Employers Federation

## **07/08 WELCOME AND INTRODUCTION**

John Spellar opened the meeting and welcomed those present. He explained that Claire Curtis-Thomas had been taken ill and was unable to attend. Due to a prior engagement he was also unable to stay. Chris Sneath agreed to take the Chair. He introduced Gareth Keller from the Heating and Ventilating Contractors' Association who would be taking the minutes of the meeting.

## **08/08 MINUTES OF THE PREVIOUS MEETING**

The minutes of the previous meeting held on 15 January 2008 had been previously circulated. They were agreed without comment.

## **09/08 MATTERS ARISING**

### **9.1 Annual Luncheon**

The Secretary said that he would be inviting industry bodies to sponsor the annual luncheon on 30 June 2008. Ted King confirmed that Iain Wright, Parliamentary Under Secretary of State at DCLG, had agreed to speak at the lunch. The Secretary added that he was awaiting a response from Baroness Vadera's office. (Secretary's note: Baroness Vadera is unable to attend)

### **9.2 Skills Agenda**

Keith Marshall drew attention to the press release issued by the Plumbing and Heating Industry Alliance (PHIA). Chris Sneath said that he had been disappointed by the somewhat negative approach adopted by David Lammy. He felt that we had to be seen to be taking positive action. In this regard PHIA was organising a private legal action against a training provider on behalf of 7 individuals based in Manchester. The provider was being sued for misrepresentation.

Blane Judd commented that CIPHE often received letters from MPs on behalf of constituents who had experienced rogue trainers. Parliamentarians needed to get to grips with the problem. Tony Thomas asked what action was going to be taken. Keith Marshall said that the solution was not clear cut; the industry was not regulated and the people involved tended to be careful about the claims they made. He suggested that an internet blog might be a way of enabling people to comment on their experience with this type of provider. John Nelson said that an Early Day Motion could bring the issue to the attention of Parliamentarians. Ted King felt that a better approach would be to talk to the Civil Servants at DIUS.

Summing up the discussion, Chris Sneath said that he would discuss the points made with Claire Curtis-Thomas outside the meeting.

### **9.3 Sustainable Construction**

The Secretary advised that following the meeting with Stephen Timms, Claire Curtis-Thomas had written to the Minister. She had followed this up with a letter to his successor Baroness Vadera. (A copy of the letter to Stephen Timms is attached at Appendix 1.)

## **10/08 BUILDING REGULATIONS AND COMPETENT PERSONS SCHEMES**

Chris Sneath welcomed Ted King from the Department for Communities and Local Government (DCLG) to the meeting. Ted King apologised for the absence of the Minister, Iain Wright and his Head of Division, Shona Dunn, However, as previously mentioned, Iain Wright would be attending the Annual Luncheon of the Group on 30 June. Ted then set out some of the Government's priorities regarding Building Regulations. There were two main headings:

- Improving administration procedures
- Maintaining the technical requirements as modern reflections of what is essential when building work is carried out.

The overarching Government aim was not to have policing done by “people with weapons”, but to encourage people to see the benefits of compliance in terms of health, safety and energy efficiency. This would leave building control bodies with more opportunity to provide help in achieving compliance. Several public consultations were due over the coming months. Publication of the consultation on improving building control was imminent and this would be followed by consultations on:

- Minor amendments to the current Part L Approval Documents
- The definition of net zero annual carbon emissions from buildings
- How to improve the sustainability of the existing stock of non-domestic buildings
- Proposals for amending the Building Regulations energy efficiency requirements.

There was also the prospect of a consultation on proposals for amending the sanitary and plumbing requirements in Part G, but he could not be sure about the timing of this.

There were also measures in the pipeline on improving compliance:

- A Building Regulations amendment would be made shortly to extend the period following works completion during which enforcement action can be taken from 6 months to 2 years. This would initially apply to energy efficiency requirements but new powers in the Housing and Regeneration Bill would extend this to apply to all technical requirements without the need for further legislation
- The Regulatory Sanction and Enforcement Bill will include powers that will enable building control bodies to issue stop notices during work and to issue fines for failure to comply.

Ted said that Competent Persons Schemes continued to be one of the best ways of achieving compliance more cost effectively and more often. The system was generally effective, but DCLG were aware of some practical difficulties in certain areas - particularly gas combustion equipment installation work. A meeting had been arranged with BESCA to resolve some of these problems.

Finally, turning to energy efficiency, Ted said that this was one of the Government's top priorities under the general policy drive to achieve climate change goals being set internationally. He reminded members of the Stern Report and the 2003 Energy White Paper. The use of buildings contributed about 50% of UK CO<sub>2</sub> emissions so it was important to improve the existing stock as best we can and get much higher standards for new buildings. The main vehicle for doing this was the Energy Performance of Buildings Directive and in particular the introduction of Energy Performance Certificates. These were due to come into effect for non-domestic buildings on 6 April. The EU had recently aired its views on EPBD mark 2. These were to be found on the Commission's website and would come into effect in 2012.

Ted said that as part of the commitment to raise standards for dwellings and achieve zero carbon by 2016, there could be obligations to carry out some of the measures recommended in EPCs. The Green Building Council was looking to achieve zero carbon performance for non-dwellings by 2020 but the steps needed to achieve this were not known. In response to this the Government had begun consultations with industry on the next Part L review. Amendments would need to be introduced in 2010 and 2013 in order to meet the dwellings timetable.

Chris Sneath thanked Ted for his overview and invited Bill Belshaw to respond. Bill Belshaw drew attention to a briefing document prepared by HVCA (this is attached at Appendix 2). He said that the main problem with Competent Persons Schemes was the lack of enforcement. The original brief from DCLG had been to carry out work on systems in non-domestic dwellings. However, in January 2008, without consultation, the words "other than a combustion appliance and its associated controls" were added. These words seriously limited the ability of BESCA to perform. Bill circulated a paper setting out the problems with non-domestic schemes (see Appendix 3). He said that BESCA was now restricted to looking at small heating systems in non-commercial premises. Everything else had to go through Building Control. CORGI had the sole right to notify gas appliance work to Building Control and this also limited the ability of other schemes. Unlike the domestic sector, commissioning certificates for non-domestic premises could be signed by anyone. This needed to be brought into line with the domestic sector. Ted King said that a meeting had been arranged to take these issues forward. In response to a question from Blane Judd on whether the Budget would include any measures on energy efficiency. Ted King said that we would have to wait until the Budget statement on 12 March.

Andrew Eastwell expressed disappointment at the lack of Parliamentarians at the meeting. He felt that the building services sector was under a mountain of change and many unanswered questions remained. The Enhanced Capital Allowances Scheme and EPBD were just two examples. He was concerned that the complexities outlined by Ted King would start to have unforeseen consequences on the competitiveness of industry. People would either find ways to avoid the Regulations or go abroad to

places where it was easier to operate. He considered that there was a need to bring the issues together with firm leadership and the All Party Group needed to be aware of this. He was reminded of the industry summit called a few years previously by John Prescott to address site safety and felt that something similar was needed to deal with carbon emissions and energy issues.

Chris Sneath accepted the point made and said there was a need to find ways of getting Parliamentarians to attend meetings of the Group and perhaps preparing an agenda that would excite their interest. Chris Brown commented that many All Party Groups tended to operate as self-contained industry interest groups which did not make them attractive to MPs. There was also little engagement with bodies that had no vested interest such as Trading Standards. He suggested a link up with the All Party Climate Change Group. John Nelson added that it was also necessary to identify MPs who were able to force the pace of change. Blane Judd observed that matters were not helped when Construction Ministers tended to come and go in minutes rather than years! Ted King commented that a link up with the Climate Change Group would be useful. He pointed out that the 2003 Energy White Paper gave a commitment to a summit meeting. There was such a meeting in 2003 but nothing since. Another summit was needed.

In summing up the discussion, Chris Sneath said that there was clearly support for an industry summit on energy issues. This might need to be taken forward by a Working Group. Samantha McDonough felt that an EDM could be used to support the idea of a summit. Chris Brown said that he would be happy to progress the idea of links with other All Party Groups.

## **11/08 ANY OTHER BUSINESS**

### **11.1 CIPHE**

Blane Judd announced that from 12 February 2008, IPHE had become the Chartered Institute of Plumbing and Heating Engineers. He wanted to thank Claire Curtis-Thomas for her help in achieving this status.

Members wished Claire a speedy recovery.

## **12/08 DATE OF NEXT MEETING**

This was left to be arranged.

There was no other business and the Chairman declared the meeting closed at 4pm.

Rt. Hon. Stephen Timms, MP  
House of Commons  
Westminster  
London  
SW1A 0AA

24 January 2008

Dear Stephen

### **ALL PARTY BUILDING SERVICES ENGINEERING GROUP: 15 JANUARY 2008**

First, I would like to thank you very much for attending the All Party Building Services Engineering Group last week. Although the proceedings were somewhat disrupted we managed to get through most of our agenda. I thought it would be useful to highlight some of the issues raised in our discussions on sustainability.

#### **Construction Act Review**

You mentioned that you were urgently seeking parliamentary time for primary legislation to amend the Construction Act. This is, as you will understand, of utmost priority for SMEs in the industry. I would be very grateful if you would keep me informed of developments.

#### **Green Book Supplement**

The draft Supplement to the Green Book is now overdue for Treasury approval. It updates best practice on public sector construction procurement. You kindly indicated that you would inquire into when Treasury approval was likely to be forthcoming.

#### **Integration**

The excellent BERR consultation document on a draft Sustainability Strategy for Construction placed much emphasis on the role of best practice procurement. In particular, it acknowledged that integrated delivery processes were more likely to deliver sustainable outcomes. Unfortunately we still have much to do to achieve the 2007 target of 50% of projects (by value) to be delivered by integrated teams.

Whilst acknowledging that the Strategic Forum is addressing this issue. Professor Rudi Klein from SEC Group raised two matters which can only be addressed by both government and public sector procurers.

#### **1. Conditionality of Funding**

Both *Accelerating Change* and the NAO Report, *Improving Public Services through better construction* have supported the linking of funding of public sector works to a condition that the procurer must have demonstrated that the works will be delivered by integrated project teams. The Housing Corporation has applied in a similar principle to

housing associations where the latter have to show compliance with the 2012 Commitments. Such condition could be introduced progressively.

You felt that this was worthy of further consideration and that you would inquire into the operation of the funding requirement stipulated by the Housing Corporation.

2. Promoting a sustainable industry

Sustainable outcomes for construction projects are more likely to be achieved by a sustainable industry, that is, an industry which consistently trains, upgrades its skills and invests in new technology. To encourage this, public sector procurers should insist that only competent firms be engaged on public sector works. As a first step, procurers could insist that only firms complying with the core criteria for competence in the *Approved Code of Practice* (accompanying the CDM Regulations) will be appointed. In the longer-term the Trust-Mark model could be extended to apply across the whole industry.

I believe that these points require some very serious consideration and would welcome your views.

3. Other matters

The Specialist Engineering Alliance – embracing organisations representing consultants, contractors and manufacturers in the specialist engineering sector – has embarked upon a study looking into how integrated project teams can achieve sustainable outcomes. Through the use of case studies within the engineering sector this work will seek to highlight best practice.

A report will be produced in the first half of the year.

4. Project insurance

Project insurance will soon be piloted on a project (and possibly, two projects) at Southport General Hospital. The insurers will be focusing on whole life costs. This work is being funded by the OGC and SEC Group.

Thank you, again, for attending the meeting and we look forward to your views on the issues I have summarised.

Yours ever

**CLAIRE CURTIS-THOMAS CEng MP**



## **Briefing Document**

### **PROMOTING COMPLIANCE WITH BUILDING REGULATIONS**

In March 2006, the Office of the Deputy Prime Minister published the Building and Approved Inspectors (Amendment) Regulations 2006, to amend and update regulations introduced in the 1980s, when fuel conservation issues first came to prominence.

The revised regulations amend Part L (energy efficiency), Part F (ventilation), and also Part P, which deals with domestic electrical works.

This briefing focuses on Part L – relating to building energy performance – and HVCA concerns at its lack of enforcement by local authority building control officers (BCOs).

#### **Enforcement**

BCOs have traditionally checked for compliance with the Building Regulations where there are clear indicators for compliance. Until recently, this meant that every new building – and every substantive change to an existing building – had to be checked by a BCO, a procedure involving at least one site visit.

With BCOs already struggling with their workload, Government introduced Competent Persons schemes to allow installers to sign off their own installations as compliant, by issuing a certificate that BCOs could accept without the need to carry out an inspection.

#### **Part L revision**

A further revision of Part L is currently under way – and due to come into force in 2010 – which will extend its scope to existing buildings, and require that work must be carried out in a manner that takes into account the need to maximise energy efficiency and to minimise carbon emissions.

These changes will, potentially, impose further additional workload on BCOs.

#### **The HVCA position**

HVCA is focused on the importance of the sustainability of buildings and recognises that energy efficiency is a crucial component in this. It has, therefore, been engaged with the Department for Communities and Local Government (DCLG) in developing Part L.

HVCA also believes that effective enforcement of Part L is essential if the potential benefits of the revised Building Regulations are to be realised.

HVCA set up Building Engineering Services Competence Accreditation Ltd (BESCA) as an independent certification body to operate a Competent Persons scheme for the building services engineering industry. This enables companies to become Competent Persons, and so self-certify that the “controlled services” work they undertake complies with the regulations.

However, the BESCA Competent Persons scheme has suffered from low take-up – due, in the view of HVCA, to lack of enforcement of the regulations by local authority BCOs.

Indeed, evidence provided by HVCA member companies that have registered with BESCA as Competent Persons strongly supports the view that many BCOs are turning a deliberate blind eye to work on “controlled services” as they have do not have the resources required to effectively police it.

HVCA believes that this lack of effective policing is seriously jeopardising the efficacy of the energy efficiency measures the revised regulations were specifically designed to implement – and will ultimately impact on the ability of the Government to meet its carbon emissions reduction targets.

Non-enforcement is also an important consumer protection issue, as it risks the possibility that some disreputable rogue traders might be tempted to cut corners, not only impacting on energy efficiency but in some instances on safety as well.

In the light of these concerns, HVCA has repeatedly called on Government to take steps to ensure that local authorities are reminded of their responsibilities under Part L, and that enforcement of the Building Regulations is adequately resourced and pursued.

**HVCA respectfully asks members of the Building Services Engineering All Party Parliamentary Group to raise this issue with Ministers at the DCLG.**

*HVCA comprises some 1,400 companies engaged in the design, commissioning, installation and maintenance of heating, ventilating, air conditioning and refrigeration services and systems in industrial, commercial and residential buildings. All HVCA members are subject to regular, third-party inspection and assessment of their technical competence and commercial capability.*

**For further information, please contact Brigitte Faubert  
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