

Building Control Alliance

Mediation Case 03/2016

What constitutes a description of work?



The Case

A final certificate has been served by the AI which is in the same format as they have been using since they first became an AI which up to this date has been accepted by all local authorities without question. However, in this particular case The Local Authority has refused to accept the initial notice as they claim it does not describe the work to which it relates.

Final Certificates are required to be in accordance with Form 5 and to include location and description of the work, including the use of any buildings to which the work relates.

Grounds for rejecting an initial notice are 1. It is not in the prescribed form, 2. The certificate does not describe the work to which it relates.

The panel has carefully studied the requirements and the information provided on the final certificate. The AI has provided an address for the work including the plot number but in para 1 where form 5 is required to include the description of the work and the use of any building to which the work relates we are referred by the AI that the work is identified above. Unfortunately, the only reference to the work above is a plot number and address.

The panel were all of the mind that whilst we could make an assumption about what that plot no covered and indeed had been doing that for many years. When that plot number and address was scrutinised very carefully we could not be clear 100% what had been built at that plot number. This could have been a final certificate for an ancillary building that was not exempt, the plot number could have contained more than one dwelling etc. A plot number typically refers to a plot of land and anything could be built there. There is a potential for confusion and this could be heightened if the person reading the final certificate was not accustomed to them such as a layperson or householder looking at the records on a file held by the LA for the Initial Notice served by this AI

Decision

We therefore are of agreement that the description should be improved to better describe the work and use of any building to which it relates rather than just be a plot number and address.