

REF NO.	CASE DESCRIPTION	DECISION SUMMARY
<b>01/2016</b>	Rejection of Final Certificate by a local authority for works covered by an Initial Notice due to the certificate being submitted some 7 months after occupation of the premises.	<p>The mediation panel took the view that the local authority had followed the correct procedure set out in the Building (Approved Inspectors) Regulations 2010 although it admitted that the rejection of the Final Certificate should have set out the formal grounds for appeal.</p> <ul style="list-style-type: none"> <li>• The approved inspector should have issued a final certificate within 4 weeks of the premises opening and not wait 5 months before doing so</li> <li>• The approved inspector should have been aware of the occupation of the premises and requested an extension of time at an earlier date.</li> <li>• The panel considered that the second Initial Notice should not have been submitted, but it should have been returned, as the whole of the work had been carried out.</li> <li>• The local authority, although following the correct process, should have given consideration to major issues created for the building owner by not allowing a final certificate to be issued.</li> </ul>
<b>02/2016</b>	This case involves a project where an Initial Notice was submitted before work started but the work then commenced before the Initial Notice came into force. The Local Authority rejected (according to the AI) the Initial Notice and required the owner to follow the Local Authority route.	<p>The mediation panel referred to BCA Policy Note 2 (Work within 5-day period 2011) and sees no reason why this note should not be followed in this instance. The policy states that a responsible Approved Inspector would be expected to advise their potential client that such actions are not permissible in statute and either encourage their client to stay within the law by either waiting for the Initial Notice to become 'in force' or accepting instructions from the Local Authority.</p>
<b>03/2016</b>	A Local Authority has refused to accept an initial notice as they claim it does not describe the work to which it relates.	<p>The mediation panel agreed that the description on the Initial Notice should have been improved to better describe the work and use of any building to which it relates rather than just be a plot number and address. It was concluded that the Local authority were correct in their actions.</p>
<b>04/2016</b>	An Approved Inspector had reportedly submitted an Initial Notice to a Local Authority, but no confirmation of receipt had been received. A Final Certificate was submitted upon completion of the project and the Local Authority refused to accept the validity of the Final	<p>The panel concluded, that based on the legal position, as there was not a valid Initial Notice in place the Approved Inspector had no authority to control the works. The final certificate should have been rejected within the 10 day period (as a non- valid Initial Notice is grounds for rejection under section 3 of Schedule 4 of the Building (Approved Inspector) Regulations).</p>

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	<p>Certificate due to the failure to serve and have accepted, the Initial Notice.</p>	<p>The panel also concluded the Local Authority had acted correctly albeit that they should have formally rejected the Final Certificate.</p>
<b>01/2018</b>	<p>Local authority's rejection of a part Final Certificate and refusal to accept a subsequently submitted Initial Notice</p>	<p>The mediation panel took the view that the local authority's actions regarding the rejection of the Part Final Certificate and refusal to accept a subsequently submitted Initial Notice were correct when referring to the submitted information from both the Approved Inspector and Local Authority in support of this case. Particular reference was made to the fact that an Initial Notice was reportedly never received and therefore no rejection was issued by the local authority.</p>
<b>01/2019</b>	<p>Whether a local authority can reject an Initial Notice for work on the same site as ongoing work covered by a previous application to the Local Authority.</p>	<p>The mediation panel took a unanimous view that notwithstanding the application the Local Authority were inspecting, the Initial Notice should have been accepted by the Local Authority.</p> <p>The panel considered the Initial Notice did not seek to supplant any live application the Local Authority were dealing with as the described work was entirely different and could be carried out in isolation.</p> <p>Even if other applications to the Local Authority were live but not started the new Initial Notice could not be rejected.</p>
<b>01/2020</b>	<p><b>Stage1</b> An initial notice was submitted for a project which was completed some 6 months later but no Final Certificate had been submitted as outstanding information relating to the fire consultation was not available. A new initial notice was subsequently submitted for the same project but was not accepted by the local authority due to the new notice apparently covering the same work as the original application.</p>	<p>Having now made initial enquiries this case is one of a large number that remain outstanding due to Regulation 17 of the Approved Inspector Regulations not being complied with. The BCA has been informed that both LABC and ACAI, supported by the MHCLG, are now working with both the local authorities and approved inspector concerned to agree the best way forward to resolve such cases.</p> <p>In view of the above agreed action it has been determined that it would not be appropriate for the BCA to determine this one case when it is one of several similar cases that remain outstanding. The applicant was informed that he should co-operate with LABC and ACAI to satisfactorily resolve this issue and to comply with all relevant legislation.</p>
<b>01/2021</b>	<p><b>Stage1</b> An Initial Notice was submitted for a project and the next day an Acceptance was issued by the local authority.</p>	<p>This matter was the subject of the stage 1 peer review process.</p> <p>On initial reading it would appear that an initial notice was submitted and accepted. It was then noted that work had commenced, and an initial notice rejection was issued. It was subsequently determined that:</p>

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Seven days later the local authority building control representative visited the site and subsequently an email and letter was sent to the AI rejecting the Initial Notice on the grounds that works had commenced.

- After the notice has been accepted work can, in our opinion, legitimately commence.
- Work having started is not a valid ground upon which to reject an initial notice (see schedule 2 of the AI regs). In instances where work has started in advance of the 5-day period an LA should in our opinion return the notice to the AI stating that it has inappropriately served (not reject the notice).