

# **Report to Planning Services Scrutiny Standing Panel**

**Date of meeting: 18<sup>th</sup> June 2009**

**Subject: Introduction to Building Control**

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**Committee Secretary: M Jenkins (Democratic Services Assistant – 01992 56 4607)**

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## **Recommendations/Decisions Required:**

**To consider and comment on the Introduction to Building Control Report**

### **Report:**

1. The Panel's Terms of Reference had indicated that they were to consider Value for Money within Building Control. This report is designed to give general background on Building Control and to allow the Panel to consider the scope of future discussion.
- 1.2 The Assistant Director (Building) will be in attendance at the meeting and will be able to explain in more detail the contents of the report. Sections of this report and further detail can also be found in the Planning and Economic Development Business Plan.
- 1.3 The Building Control Service is based at Epping as part of the Planning and Economic Development Directorate. The Service provides a number of services and is registered with Lloyds Quality Assurance under ISO 9002 for these. The Service is in direct competition with the private market for the building regulation elements of its work. In the case of formal enforcement action however, the statutory duty remains with the Council.
- 1.4 The main functions of the building control service are:
  - *Full Plans Applications* - These are detailed applications submitted to the Council under the building regulations. The Council must determine an application within a legally prescribed timescale or the application will become "deemed approved". Each application is considered in detail relation to the requirements of the Building Act, the Building Regulations, the Approved Documents, British Standards and Codes of Practice. Following any appropriate negotiation with the applicant the application is Approved, Conditionally Approved or Rejected. Where the application is approved the applicant has the certainty of being able to develop in accordance with the approved plans.
  - *Building Notices* - these are notifications to the Council, under the building regulations, of intentions to carry out building work. Minimum information is initially submitted although additional information may be required to be given. The applicant does not have the protection of building to an approved plan and consequently takes the responsibility for complying with the building regulations.
  - *Inspections* – These consist of the inspection of building work through the construction stages from commencement to completion. The builder has a statutory responsibility to notify the Council at specific stages of construction, although Council officers may inspect at any stage.

- *Contraventions* -This relates to enforcement action to secure compliance with the building regulations, both in terms of building work found not to comply with approved plans/building regulations and also where an appropriate full plans/building notice has not been received and work has been carried out.
- *Initial Notices* – The Council is in competition with the private market for building regulation work. A person carrying out building work may, as an alternative to the Council, chose to use an Approved Inspector. In these circumstances, only two main areas of responsibility remain with the Council. Firstly to ensure that Initial Notice setting out details of the project and the Approved Inspector has been submitted and secondly, where an Approved Inspector has identified a contravention of building regulations in the work under his control, and has been unable to resolve the matter; the building work is handed back to the Council, as the authority of last resort to carry out enforcement action.
- *Demolitions*- Persons intending to carry out the demolition of a building are required to give the Council six weeks notice of the intended date of commencement. The Council may, by notice, require the demolition to be carried out taking into account specific matters.
- *Dangerous Structures* – The Council are empowered, under the Building Act, to deal with dangerous buildings and structures. If informal measures are unsuccessful it may apply to a Court for an order requiring the danger to be remedied. In more urgent cases the powers allow appropriate emergency action to be taken.
- *Access for Disabled People* – In addition to ensuring the building regulation requirements relating to building works are complied with, the building control service also provides the role of Access Officer; regularly meeting with the Epping Forest Access Group to promote improved standards of access and facilities for disabled people in the District.

1.5 The enforcement of the Building Regulations is a statutory requirement for the Council. The main legislative provisions are contained in the Building Act 1984. The Building Regulations 2000 and the supporting Approved Documents made under the Act are subject to the approval of the Secretary of State. These provide the basis for a uniform system throughout England and Wales. The Building Act also provides the legislative means of controlling other associated matters such as drainage, means of escape in case of fire, demolitions, dangerous structures etc. In relation to access and facilities for disabled people the Disability Discrimination Act has particular current reference.

1.6 The main customers of the Building Control Service are the general public, as it is they who benefit from the standards of health and safety etc. of the built environment that the Service seeks to control and improve.

1.7 The main direct users of the Service are building developers and their architects seeking approval to proposed building developments, builders and owners of building work in the constructional stages from commencement to completion and other of the Council's services.

## **2. The Building Control Team**

2.1 As at June 2009 the Building Control Team has an establishment strength of 12 FTE with 9 staff in post, however of these 9 staff, two are consultants, Paul Cattell and John Vanderloo who both work 2 days per week. In addition to this a Senior Building Control Surveyor is on maternity leave until December. Due to this the team at present functions with the equivalent of 6.8 full time posts.

## 2.2 Staffing Profile

| Post Number | Name                        | Post Title                                 | Qualifications  |
|-------------|-----------------------------|--|---|
| PBC01       | John Kershaw                | Assistant Director (Building)              | Member of the Association of Building Engineers<br>BSc. Hons. Building Control Engineering                |
| PBC02       | Jeff Dixon                  | Principal Building Control Surveyor        | Member of the Royal Institution of Chartered Surveyors<br>Member of the Association of Building Engineers |
| PBC03       | Paul Cattell (Consultant)   | Principal Building Control Surveyor        | Member of the Association of Building Engineers   |
| PBC04       | Sara Myers                  | Senior Building Control Surveyor           | BSc. Hons. Building Surveying<br>BSc Hons. Sociology  |
| PBC05       | Barry Hill                  | Senior Building Control Surveyor           | Member of the Association of Building Engineers<br>Bsc. Building Surveying                                |
| PBC06       | John Vanderloo (Consultant) | Senior Building Control Surveyor           | Associate of the Royal Institution of Chartered Surveyors   |
| PBC07       | Vacant                      | Senior Building Control Surveyor           |   |
| PBC08       | Rob Saunders                | Senior Building Control Surveyor           | PhD Civil Engineering<br>BEng Hons, 1 <sup>st</sup> class Civil Engineering                               |
| PBC09       | Steve Browne                | Senior Building Control Surveyor           | Advanced Professional Certificate in Construction   |
| PBC10       | Jane Gravelle               | Technical Co-ordinator (Contaminated Land) | Bsc. Hons. Applied Environmental Science  |
| PBC11       | Vacant                      | Trainee Surveyor                           |   |
| PBC12       | Vacant                      | Trainee Surveyor                           |   |

## 3. Workload and Performance

3.1 The statistics showing the trends of workflow over the past three years are set out in the following table:

|                             | 2006 | 2007 | 2008 |
|-----------------------------|------|------|------|
| Full Plans Applications     | 712  | 767  | 631  |
| Building Notices            | 796  | 1040 | 1338 |
| Demolitions                 | 28   | 27   | 25   |
| Dangerous Structures        | 22   | 45   | 28   |
| Contraventions              | 35   | 26   | 29   |
| Initial Notices             | 87   | 150  | 133  |
| Regularisation Certificates | 61   | 144  | 35   |
| Partnership Schemes         | 44   | 52   | 44   |
| Inspections                 |      |      |      |

3.2 The following internal measures are used in this area of the directorate to measure performance.

| Internal Measure   | Target 2008/09 | Performance            |               |               |               |
|--|----------------|------------------------|---------------|---------------|---------------|
|  |                | 2007/08 (Q4 & Outturn) | 2008/09 (Q1)  | 2008/09 (Q2)  | 2008/09 (Q3)  |
| <b>Registration</b>  |                |                        |               |               |               |
| Full Plans:<br>Initial registration, charge assessment and acknowledgement       | 3 Days         | 84.12%                 | 84.46%        | 87.39%        | 85.11%        |
| Building Notices:<br>Initial registration, charge assessment and acknowledgement | 3 Days         | 83.91%                 | 82.15%        | 87.90%        | 86.37%        |
| Initial Notice:<br>Initial registration, assessment and acknowledgement          | 5 Days         | 91.71%                 | 94.87%        | 97.44%        | 93.97%        |
| <b>Plan Vetting</b>  |                |                        |               |               |               |
| Applicant notified of defects/amendments required                                | 15 Days        | 88.20%                 | 97.94%        | 93.13%        | 85.90%        |
| Decision notified within statutory time limits                                   | 5 Weeks        | 71.95%                 | 78.52%        | 77.16%        | 83.18%        |
| Decision notified within statutory time limits                                   | 2 Months       | 85.18%                 | 97.14%        | 97.95%        | 98.72%        |
| <b>Inspections (Building Regulations)</b>  |                |                        |               |               |               |
| 'Same day' requests (received before 10.00 a.m.) satisfied.                      | Same Day       | 100%                   | 100%          | 100%          | 100%          |
| Detailed site inspection record to be made                                       | 1 Day          | 100%                   | 100%          | 100%          | 100%          |
| Person responsible, for unauthorised work, notified of discovery                 | 5 Days         | Not Monitored          | Not Monitored | Not Monitored | Not Monitored |
| Non-requested in progress visits made to inactive Site                           | 3 Months       | Not Achieved           | Not Achieved  | Not Achieved  | Not Achieved  |
| Non-requested in progress visits to active sites                                 | 15 Days        | Not Achieved           | Not Achieved  | Not Achieved  | Not Achieved  |
| <b>Other Administration</b>  |                |                        |               |               |               |
| Dangerous structure call out: response time during working hours                 | 1 Hour         | 100%                   | 100%          | 100%          | 100%          |
| Dangerous structure call out: response time outside normal working hours         | 2 Hours        | 100%                   | 100%          | 100%          | 100%          |
| Dangerous structure written record made  | 1 day          | 100%                   | 100%          | 100%          | 100%          |
| Inspection charge invoices raised and issued.                                    | 10 days        | 74.49%                 | 78.15%        | 84.00%        | 80.92%        |
| Demolitions issue of Section 81 Notice where appropriate                         | 10 days        | Not Monitored          | Not Monitored | Not Monitored | Not Monitored |

| Internal Measure                               | Target 2008/09 | Performance            |               |               |               |
|--|----------------|------------------------|---------------|---------------|---------------|
|  |                | 2007/08 (Q4 & Outturn) | 2008/09 (Q1)  | 2008/09 (Q2)  | 2008/09 (Q3)  |
| Non-application correspondence to be processed | 8 days         | Not Monitored          | Not Monitored | Not Monitored | Not Monitored |
| Completion certificates issued                 | 5 days         | 73.61%                 | 70.17%        | 73.10%        | 71.99%        |

#### 4. Budget

4.1 The Building Control Service divides financially into two main areas; Fee Earning and Non Fee Earning. The Fee Earning part of the Service relates to activity related to Income/expenditure in connection with building regulation administration and enforcement.

Under the Building (Local Authority Charges) Regulations 1998 the Council is authorised to fix a scheme of charges in connection with the performance of its functions under the Building Regulations. Income from the charges should be sufficient to meet the costs of the service provided, and must always meet the cost over any three-year rolling accounting period (the break-even target).

4.2 The current position for the three year accounting period for the ring fenced account is as follows:

|                                       | Original Est | Rev Otn    | Actual      | Actual       | Actual      |
|---------------------------------------|--------------|------------|-------------|--------------|-------------|
|                                       | 2009/10      | 2008/09    | 2008/09     | 2007/08      | 2006/07     |
|                                       | £000         | £000       | £000        | £000         | £000        |
| <b>Expenditure</b>                    |              |            |             |              |             |
| Employee Costs                        | 264          | 248        | 303         | 328          | 312         |
| Premises                              | 0            | 0          | 0           | 0            | 1           |
| Transport                             | 17           | 17         | 28          | 18           | 14          |
| Supplies & Services                   | 46           | 48         | 59          | 84           | 34          |
| Central & Support Service charges     | 296          | 278        | 216         | 219          | 240         |
| Asset Rentals                         | 4            | 3          | 3           | 2            | 2           |
| <b>Total Expenditure</b>              | <b>627</b>   | <b>594</b> | <b>609</b>  | <b>651</b>   | <b>603</b>  |
| Building Regulation Charges           | 642          | 594        | 566         | 621          | 550         |
| Other Income                          | 0            | 0          | 33          | 0            | 12          |
| <b>Total Income</b>                   | <b>642</b>   | <b>594</b> | <b>599</b>  | <b>621 0</b> | <b>562</b>  |
| <b>Surplus/(Deficit) for the Year</b> | <b>15</b>    | <b>0</b>   | <b>(10)</b> | <b>(30)</b>  | <b>(41)</b> |
| Balance B/Fwd                         | (15)         | (15)       | (15)        | 15           | 56          |
| Balance C/Fwd                         | 0            | (15)       | (25)        | (15)         | 15          |

Notes:

This table includes an increase in fees and charges for 2009/10 of 8%.

## **5. Issues/Challenges**

### **5.1 Budget**

5.1.1 As can be seen from table 4.2, the revised out turn for 2008/09 showed a surplus / deficit of zero. The £15,000 deficit brought forward from 2007/08 needs to be recouped over a three year rolling cycle. Cabinet therefore recently agreed to a fee increase of 8%. The Building Control ring fenced account eventually ended up with a loss of £10,451, which when added to the deficit rolled over from the previous year gives a shortfall to be found in 2009/10 of £25,000.

5.1.2 Efforts must now be made to clear £25,000 at least. In addition to this, the month 1 income report shows that a shortfall in income against budget of £11652 was achieved and month 2 shows a shortfall of £5639 to make the position even worse. Measures have however been taken to reduce costs in this period.

### **5.2 Staffing**

5.2.1 With professional/technical staffing levels now at just over 50% of a full establishment and little or no response to national advertisements of vacancies, Service performance is inevitably affected. External consultants can do some work but even with this assistance only a very basic level of service can be provided. There are also consequential effects upon staff in terms of their ability to meet required Continuing Professional Development programmes and the level of pressure and stress they are being expected to work under. This is a very real concern.

5.2.2 Previously in 2003/04 when the surveyors were 50% understaffed the Assistant Head of Planning Services had to make decisions on the best use of the remaining resource. This meant that all full plans applications were vetted by external agencies. This led to a greater cost to the council than if the applications were checked in house and also to a dilution of knowledge within the building control section.

5.2.3 Risk assessments were carried out daily with regard to inspection requests as they could not all be carried out. Each day calls were cancelled and builders are told to progress with the works.

### **5.3 Competition**

5.3.1 The extension of the Approved Inspector Regulations; permitting the private market across the full range of building work has seen an increase in loss of market share. Higher fee earning work, for example, large scale developments and commercial work for the larger chain stores have been lost to Approved Inspectors.

### **5.4 Performance**

5.4.1 The ability to influence the performance indicators is almost totally connected with staffing levels, certainly without sufficient staff managers do not have the raw materials necessary to provide a service.

### **5.5 Outsourcing of Building Control**

5.5.1 The council is considering the outsourcing of Building Control, however officers feel they need a fuller understanding of what is meant by this. It is recognised that there is a number of models that could be undertaken, all of which have pros and cons.

## **5.6 Changes in local and global economy i.e. recession**

5.6.1 There is a continual juggling act to maintain the level of staff to carry out the workload and still be mindful of fee income. Officers do not however, want to cut down staff to a point that they are unable to recruit should there be an upturn in the economy.

## **5.7 Changes in legislation**

5.7.1 Keeping up with new Approved Documents and legislation has proved a challenge as staff have a difficulty finding the time to deal with these complex issues.

## **6. Matters for scrutiny**

6.1.1 This report has provided initial information on Building Control, it is set out with the aim of stimulating discussion. Officers are keen to obtain Member reaction and to engage in the value for money process.