

Report to Planning Services Scrutiny Standing Panel

Date of meeting: 8 September 2009

Subject: Introduction to Building Control

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



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 BSc. Hons. Building Control Engineering
PBC02	Jeff Dixon	Principal Building Control Surveyor	Member of the Royal Institution of Chartered Surveyors 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 BSc Hons. Sociology
PBC05	Barry Hill	Senior Building Control Surveyor	Member of the Association of Building Engineers 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 BEng Hons, 1 st 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)
Registration					
Full Plans: Initial registration, charge assessment and acknowledgement	3 Days	84.12%	84.46%	87.39%	85.11%
Building Notices: Initial registration, charge assessment and acknowledgement	3 Days	83.91%	82.15%	87.90%	86.37%
Initial Notice: Initial registration, assessment and acknowledgement	5 Days	91.71%	94.87%	97.44%	93.97%
Plan Vetting					
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%
Inspections (Building Regulations)					
'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
Other Administration					
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
Expenditure					
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
Total Expenditure	627	594	609	651	603
Building Regulation Charges	642	594	566	621	550
Other Income	0	0	33	0	12
Total Income	642	594	599	621 0	562
Surplus/(Deficit) for the Year	15	0	(10)	(30)	(41)
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.