



K. Miles
Chief Executive
North Devon Council

S. Walford
Chief Executive and
Director of Growth
Mid Devon District
Council

BUILDING CONTROL JOINT COMMITTEE

A meeting of the Building Control Joint Committee will be held in the Woodlands Enterprise Centre, Pathfields Business Park, South Molton on **THURSDAY, 18TH JULY, 2019 at 11.00 am.**

Members of the
Committee:

Representing North Devon Council

Councillors Topham and Yabsley

Representing Mid Devon District Council

Councillors Barnell and Deed

AGENDA

1. Appointment of Chair 2019/20.
To appoint a Chair from Mid Devon District Council for a period of one year from date of appointment.
2. Appointment of Vice-Chair 2019/20
To appoint a Vice-Chair from North Devon Council for a period of one year from date of appointment.
3. Apologies for absence
4. To approve as a correct record the minutes of the meeting held on 14th February 2019 (attached) (Pages 5 - 10)
5. Items brought forward which in the opinion of the Chairman should be considered as a matter of urgency.

6. Declarations of Interest

(Please complete the enclosed form or telephone the Corporate and Community Services Unit to prepare a form for your signature before the meeting. Interests must be re-declared when the item is called, and Councillors must leave the room if necessary).

7. To agree agenda between Part 'A' and Part 'B' (Confidential Restricted Information)

PART 'A'

8. **Pooled Budget Trading Account 2018/19.** (Pages 11 - 12)
Report by North Devon Council Head of Resources (attached).

9. **Key Performance Indicators** (Pages 13 - 16)
Report by Building Control Manager (attached).

10. **Building Control Business Update** (Pages 17 - 22)
Report by Building Control Manager (attached).

11. **Government proposals resulting from the Hackitt Enquiry**
Building Control Manager to report.

12. **Dates and locations of future meetings. To agree dates and locations of future meetings of the Committee for 2019/20.**
(NOTE: Unless otherwise agreed the Joint Committee must meet at least on a quarterly basis with the meeting held at 10.00am and the offices of the Chairman's partner authority).

PART 'B' (CONFIDENTIAL RESTRICTED INFORMATION).

Nil.

If you have any enquiries about this agenda, please contact Corporate and Community Services, telephone 01271 388253

North Devon Council
Brynsworthy Environment Centre
Barnstaple
North Devon EX31 3NP

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NORTH DEVON COUNCIL

Minutes of a meeting of Building Control Joint Committee held at Woodlands Enterprise Centre, Pathfields Business Park, South Molton on Thursday, 14th February, 2019 at 10.00 am

PRESENT: Members:

Councillor Brailey (Chairman)

Councillors Yabsley and Eginton.

Officers:

Chief Executive and Head of Resources.

20. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Chesterton.

21. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 1ST NOVEMBER 2018 (ATTACHED)

RESOLVED, that the minutes of the meeting held on 1st November 2018 (circulated previously) be approved as a correct record and signed by the Chairman.

22. DECLARATIONS OF INTEREST

There were no declarations of interest announced.

23. POOLED BUDGET AND TRADING ACCOUNT AS AT 31ST DECEMBER 2018.

The Joint Committee received an update by the Head of Resources in relation to the Pooled Budget and Building Control Trading Account for the quarter three trading position as at 31st December 2018 (circulated previously).

The Head of Resources highlighted the following:

- Column one detailed the annual base budget for both Councils whilst column two detailed the net position as at 31st December 2018. The figures indicated that just under half of the annual budget had been spent at the three quarter year position, which was a positive story.

- The overall costs of the partnership were only marginally up on this time last year, with a total gross expenditure of £496K for quarter three position. Income was £16k higher than the previous year same position at £447k.
- Column three detailed the shared costs, which were split 61% to North Devon Council and 39% Mid Devon District Council.
- The forecast for the year end position was lower than the net budget set and the partnership was in a better financial position than the previous year.
- Columns four and five detailed the chargeable and non-chargeable element, which demonstrated a chargeable surplus for both Councils together with a positive position at quarter three.

RESOLVED, that the report be noted.

24. 2019/20 TO 2021/22 POOLED BUDGET FORECAST.

The Joint Committee received an update by the Head of Resources in relation to the 2019/20 to 2021/22 Pooled Budget Forecast (circulated previously).

The Head of Resources highlighted the following:

- Column one detailed the draft net budget for both Councils, which at £124K was slightly higher, which was a £22K increase on the 2018/19 net budget.
- The income forecast for 2019/20 was lower by £18K, due to reduction on Mid Devon District Council income budget in line with actual performance.
- Overall costs had only increased by £4K.
- The employee figures appeared to be slightly higher on the North Devon Council side, which was attributed to recent appointments made by North Devon Council. However, both Councils were assuming respective shares of employee costs with a 60:40 split.

25. KEY PERFORMANCE INDICATORS.

The Joint Committee received an update by the Building Control Manager (circulated previously) regarding the Key Performance Indicators.

The Building Control Manager highlighted the following:

- Response times had slipped outside of target due to resource constraints, which had necessitated the plan checking being outsourced to Exeter City Council Building Control. From the beginning of 2019 that element had been brought back in house.
- The key performance indicator for Building Regulation applications examined within three weeks had slipped to 87% for quarter three.
- The average time to first response in days was 12 days for quarter three against a target of 10 days.
- The market share based on the number of applications received had increased for the third successive quarter and was holding at the correct level.

- The market share of new housing completions remained very strong at 47% for quarter three.

In response to a question, the Building Control Manager advised that there had been no complaints made about response times during the quarter. He added that the team had been in regular contact with its clients to keep them fully informed of the position in relation to their applications.

26. BUILDING CONTROL BUSINESS UPDATE.

The Joint Committee received an update by the Building Control Manager (circulated previously) regarding the Building Control Business update.

The Building Control Manager highlighted the following:

- Following the previous report of staff vacancies, the following positions had been appointed:
 - Technical Support Officers – Two positions.
 - Principal Building Control Surveyor.
 - Trainee Building Control Surveyor.
- The Trainee position was appointed following interviews for a Surveyor position and in consultation with Human Resources. The quality of the candidates applying for the Surveyor post was inadequate and therefore the decision was made to appoint an applicant who impressed at interview but had insufficient experience and knowledge of the Building Regulations to undertake the role.
- A new structure had been implemented within the service, which allowed for increasing supervision and monitoring.
- As a result of the recruitment process, from January 2019, all plan checking was now being undertaken in-house.

27. FEE REVISIONS.

The Joint Committee received an update from the Building Control Manager (circulated previously) regarding Fee Changes.

The Building Control Manager highlighted the following:

- The report set out the current financial position together with the case for increasing the fees.
- The service plan had been considered by the Joint Committee at its meeting on 1st November 2018, which indicated an increase in fees by 3% was being considered.

- The fees were increased in April 2018. However, the levels needed to be increased in line with inflation to maintain a balanced budget and ensure that the service continued to be self-funding.
- A comparison of fees with other Local Authorities and Partnerships in the South West had been carried out and the fees remained competitive.

RECOMMENDED:

- (a) that the fees were increased by approximately 3%. The proposed charges had been rounded up to the nearest round figures to eliminate decimal points when both with and without VAT;
- (b) that the restructuring of fees to combine the plan fee and inspection fee into a single payment at the time of the deposit of the application, which was previously agreed by the Committee be approved. This change would reduce the administration of invoice payments together with the reduction of bad debts and remove customer confusion regarding the inspection invoice where they had not been informed of this by their agent; and
- (c) that the revised Fee Scheme together with the new fee calculator, which was used for preparing individual quotations be introduced on 1st April 2019 following a months' notice on the website of the proposed change.

28. MID DEVON DISTRICT COUNCIL BUILDING CONTROL PARTNERSHIP GOVERNANCE AND AUDIT FINDINGS.

The Building Control Manager presented the Mid Devon District Council Building Control Partnership governance and audit findings.

He advised that Mid Devon District Council had commissioned the audit by Devon Partnership to assess the risks that the authority was exposed to through their partnership with North Devon Council.

He drew the Joint Committee's attention to the following points raised by the audit:

- There were no medium risks observed.
- There were suggestions made of a more formalised reporting process, which could be addressed via quarterly meetings with the Chief Executive of North Devon Council, the Head of Planning, Economy and Regeneration and the Building Control Manager.
- Other comments included that meetings should be held a month prior to the Joint Committee meeting together with a more corporate approach to the agenda.
- There was an overreliance on the Building Control Manager as the point of contact and the Joint Committee was informed that this had now been addressed.
- That the Joint Committee should take a more strategic approach.
- The requirement for a longer term strategic plan to support the service plan going forward.

- The risk register identified all significant risks and clarification and reassurance was sought from the Building Control Manager in relation to the risk scoring process.
- That Building Control be released from the archives and included in the Corporate Risk Register.
- That the Joint Committee meetings should be held every quarter.

The Chief Executive of North Devon Council advised that the main point raised was the requirement for a management board. He questioned the role of the Committee going forward with a requirement to look at how the future of the business could grow and whether there was a requirement to be more commercial in the strategic approach.

The Joint Committee discussed the direction of the Committee and felt that issues were quickly identified and brought to their attention to allow them to be addressed.

RESOLVED:

- (a) that options to grow and develop the business be explored by the next meeting of the Committee following the District Council elections in May 2019; and
- (b) that a copy of the report be provided to the Head of Resources to ensure that was no duplication of work with the North Devon Council Internal Audit Plan.

The Joint Committee thanked Mid Devon District Council for sharing the findings of the report.

29. REVIEW OF PARTNERSHIP DELIVERY.

The Joint Committee considered a report by the Building Control Manager (circulated previously) regarding a review of partnership delivery.

- The partnership was reviewed on an annual basis and the original objectives were reviewed.
- The benefits of joint working together with the objectives were reviewed.
- The actual budget for 2019/20 had been provisionally set at £733,660.00 indicating that the partnership had increased its efficiency and minimised costs.
- There was now a fully implemented digital system, which had enabled the service to become completely paperless with no hard copy files now being used.
- The provision of accurate data to ensure that pricing policies were competitive and met costs incurred on projects was ongoing at the present time. There were still improvements to be made on the reporting side. However, report training was scheduled for April 2019.
- By combining best practice across the partners the partnership had gained greater commitment to national marketing initiatives with an increased number

of nominations for the LABC Building Excellence Awards and national recognition with the LABC Superstar of the year being won by the Technical Support Team Leader for outstanding commitment to the provision Local Authority Building Control. The partnership also the LABC Quality Assurance Scheme in response to the Hackitt enquiry into Building Control and was one of the first Authorities to gain accreditation to ISO9001 under the pilot scheme.

- Staff resources had been a significant issue since the formation of the partnership with the relocation of the office to South Molton a contributing factor. Reasons had been carefully considered and were not attributed to the formation of the partnership.
- The ICT systems, which included the Enterprise workflow management system and mobile inspection app had enabled a far greater level of flexibility by allowing staff to work remotely.

The Building Control Manager advised that the objectives of the partnership were being met and that a firm foundation had been laid for the development of the service in the future.

**30. DATES AND LOCATIONS OF FUTURE MEETINGS. TO AGREE
DATES AND LOCATIONS OF FUTURE MEETINGS OF THE
COMMITTEE FOR 2019/20.**

The Joint Committee agreed to leave the arrangement of the next meeting in conjunction with the Corporate and Community Services Team until after the elections in May 2019.

Chairman

The meeting ended at 10.45 am

Trading Account at 31 March 2019

2018/19 Building Control Partnership Trading Account as at 31/03/2019

	1		2			3		4		5	
	2018/19 budget		April to March 2019 (actual)			April to March 2019		NDC 2018/19		MDC 2018/19	
	NDC	MDC	NDC	MDC	Total	NDC	MDC	Chargeable	Non Chargeable	Chargeable	Non Chargeable
	£	£	£	£	£	60%	40%	75%	25%	75%	25%
	£	£	£	£	£	£	£	£	£	£	£
Expenditure											
Employees	296,360	219,210	298,537	168,451	466,988	282,088	184,900	211,566	70,522	138,675	46,225
Transport	20,750	15,850	21,220	14,289	35,509	21,450	14,059	16,087	5,362	10,545	3,515
Supplies and Services	25,650	22,270	37,284	18,108	55,392	33,460	21,932	25,095	8,365	16,449	5,483
Third Party Payments	0	0	-613	0	-613	-370	-243	-278	-93	-182	-61
Central & Support Service charges	72,510	44,680	73,225	44,680	117,905	71,221	46,683	53,416	17,805	35,013	11,671
Total Expenditure	415,270	302,010	429,653	245,528	675,181	407,848	267,332	305,886	101,962	200,499	66,833
Income											
Building Regulation Charges	-346,000	-267,800	-359,948	-235,935	-595,883	-359,948	-235,935	-359,948	0	-235,935	0
Miscellaneous Income	-1,000	0	-48	0	-48	-48	0	-36	-12	0	0
Total Income	-347,000	-267,800	-359,996	-235,935	-595,931	-359,996	-235,935	-359,984	-12	-235,935	0
(Surplus)/Deficit for Year	68,270	34,210	69,658	9,592	79,250	47,852	31,397	-54,098	101,950	-35,436	66,833
	% income split		60%		40%						
			102,480		79,250		47,852		31,397		
Total Actual Variance To Budget Spend											

Appropriation Profit/Loss

- 1 Respective budgets approved by individual authority's Full Council meetings
- 2 Individual authority's actual costs and income for period 1 April to 31 March - Pooled Budget
- 3 Based upon Building Control activity (income); costs split 60%/40% across respective Council's
- 4 North Devon financial position - split into 'Chargeable Functions' as defined by the Building (Local Authority Charges) Regulations 2010 and also 'Non-Chargeable Activities'
- 5 Mid Devon financial position - split into 'Chargeable Functions' as defined by the Building (Local Authority Charges) Regulations 2010 and also 'Non-Chargeable Activities'

2017/18 Building Control Partnership Trading Account as 31/03/2018

	1		2			3		4		5	
	2017/18 budget		April to March 2018 (actual)			April to March 2018		NDC 2017/18		MDC 2017/18	
	NDC	MDC	NDC	MDC	Total	NDC	MDC	Chargeable	Non Chargeable	Chargeable	Non Chargeable
	£	£	£	£	£	59%	41%	75%	25%	75%	25%
	£	£	£	£	£	£	£	£	£	£	£
Expenditure											
Employees	259,090	243,260	229,399	237,408	466,807	275,416	191,391	206,562	68,854	143,543	47,848
Transport	17,690	16,870	22,577	15,993	38,570	22,756	15,814	17,067	5,689	11,860	3,953
Supplies and Services	18,740	19,380	23,466	19,715	43,181	25,477	17,704	19,107	6,369	13,278	4,426
Third Party Payments	0	0	0	0	0	0	0	0	0	0	0
Central & Support Service charges	72,730	46,630	71,691	46,630	118,321	69,809	48,512	52,357	17,452	36,384	12,128
Total Expenditure	368,250	326,140	347,132	319,746	666,878	393,458	273,420	295,094	98,365	205,065	68,355
Income											
Building Regulation Charges	-340,000	-280,800	-328,497	-229,468	-557,964	-328,497	-229,468	-328,497	0	-229,468	0
Miscellaneous Income	-1,000	0	0	0	0	0	0	0	0	0	0
Total Income	-341,000	-280,800	-328,497	-229,468	-557,964	-328,497	-229,468	-328,497	0	-229,468	0
(Surplus)/Deficit for Year	27,250	45,340	18,636	90,278	108,914	64,961	43,952	-33,403	98,365	-24,403	68,355
	% income split		59%		41%						
			72,590		108,914		64,961		43,952		
Total Actual Variance To Budget Spend											

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NMD BUILDING CONTROL

REPORT TO: JOINT SERVICES COMMITTEE

DATE: 14/02/2019

TOPIC: KEY PERFORMANCE INDICATORS

REPORT BY: MIKE TUCKER (BUILDING CONTROL MANAGER)

1 INTRODUCTION

- 1.1 The purpose of this report is to update members regarding the progress of the partnership and recommends that the current high level of income is ring fenced for future service development.

2 REPORT

2.1 Key performance indicators

KPI	Year	2018/19				2019/20
	Target	Q1	Q2	Q3	Q4	Q1
Building Regulation Full Plan applications determined in 2 months	95%	99%	97%	96%	97%	99%
Building Regulation Applications examined within 3 weeks	95%	95%	92%	87%	89%	84%
Average time to first response (Days)	10	11	13	12	12	12
Market Share - Number of applications %	75%	77%	78%	80%	79%	74%
Market Share - New Housing Completions %	40%	50%	48%	47%	48%	32%
Financial Position	Breakeven	18830	61928	60419	89,614	TBA

2.1 Plan check response times

- 2.1.1 The replacement of a Surveyor with a trainee is continuing to impact on plan check times. However, the trainee is progressing well and we are beginning to allocate specific work to him which will reduce the workload on some other officers. We are also working to improve the performance of some individuals with regard to this KPI.

2.2 Fee Income

- 2.2.1 Previously we were charging a plan for full plan applications at the time of deposit and then invoicing an inspection fee when work commences on site. In April 2019 this practice was changed so that in most cases the full fee is charged at the time of deposit.
- 2.2.2 As a result we are experiencing a period of abnormally high income as we charge up front for new applications and continue to invoice older projects as they commence. This will clearly trail off over the coming months but has provided us with a short term windfall before the income falls back to the original levels.
- 2.2.3 We would therefore like to take advantage of the opportunity to ring fence any surplus for future business development. This would potentially enable the development of additional revenue streams whilst minimising impact on the need for investment from other budgets.

2.3 Economic Activity

- 2.3.1 Although construction activity has decreased nationally this has not been reflected in the number of applications received which remains strong for the time of year with the number of applications received so far this financial year being marginally higher than last year.
- 2.3.2 However, the current income surplus may be needed to provide a buffer if markets react adversely to political developments in October.

2.4 Market share – Number of applications

- 2.4.1 There was a significant drop in marketshare this quarter to 74%.
- 2.4.2 Our strongest competitor locally is JHAI who are now submitting approximately a third of all initial notices. The fact that ex-employees of both Mid and North Devon are working for them may have some impact on this.
- 2.4.3 There does not appear to be a general pattern to the receipt of initial notices but we will continue to monitor to observe any trends to which a cause can be attributed.

2.5 Market share – New Housing Completions

- 2.5.1 Market share of new housing completions has fallen significantly but this has been abnormally high over the last year. There appears to be three main factors influencing this,

1. A high number of completions by NHBC.
2. Devonshire Homes who are a major customer a starting developments in neighbouring areas. However, we are carrying out the design checks on this work via an LABC partnership agreement.
3. Completions are in the pipeline on the Anchor Bank development in Barnstaple.
4. JHAI are winning more developments for individual dwelling developments possibly because they offer a cut price structural warranty in conjunction with the Building Control Service

2.5.2 We have also won the contract to provide the Building Control service for 65 new dwellings in Witheridge for Larkfleet SW Ltd who are a new customer who generally build in the Somerset area.

2.5.3 Financial Position

2.5.4 A full report with regard to the financial position will be provided by Jon Triggs.

3 RECOMMENDATIONS

- 3.1 Any financial surplus resulting from the change to fee collection is ring fenced for future service development.

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NOTE TO: JOINT SERVICES COMMITTEE

DATE: 18/07/2019

TOPIC: BUILDING CONTROL BUSINESS UPDATE

REPORT BY: MIKE TUCKER (BUILDING CONTROL MANAGER)

1 INTRODUCTION

1.1 The purpose of this note is to update members regarding the progress of the partnership and contains no recommendations.

2 REPORT

2.1 Staff

- 2.1.1 Staff have been under pressure as a result of increased workloads following our recruitment of a trainee in January to replace a Senior Surveyor. The training is going well and we are now going to begin to allocate workload directly which will begin to alleviate the situation. The trainee has a BSc (Hons) Building Surveying Degree but to ensure the maximum speed of development and ensure that we meet the LABC competency framework moving forward he is enrolling on the Degree in Public Service Building Control provided by Wolverhampton University which will be funded through the apprenticeship levy.
- 2.1.2 Two of our Surveyors have now gained the Level 5 diploma in Building Control awarded by Wolverhampton University via LABC scheme. This is evidence that supports the LABC competency framework for all but the most complex non-residential developments.

2.2 Approved Inspector Insurance Issues

- 2.2.1 The Hackitt enquiry and the resulting consultation document published by MHCLG have caused insurers to reassess their exposure to risk in the Building Control market.
- 2.2.2 Up to now there have only been three insurers involved in the provision of cover for private sector Building Control.
- NHBC
 - Howdens
 - Griffiths and Armour
- 2.2.3 Howdens have now decided to withdraw as they were unable to find an underwriter and are therefore they not renewing any Approved Inspector policies when they expire. NHBC only insure themselves so there is now only one possible insurer.
- 2.2.4 Initially Griffiths and Armour stated that they would not take on any of Howdens clients but following lobbying of Government to take action with regard to this situation they have reviewed this policy and are now looking at the risk profile of each Approved Inspector individually before offering cover. So far this has impacted the following AI's.

- Head Projects Building Control
- Aedis
- Guy Shattock
- Dunwoody Building Legislation
- ACT Building Control Ltd
- Celtec Consultancy Ltd
- Thames Building Control
- Meridian Consult

- 2.2.5 Three of these companies, Aedis, ACT and Celtec have a significant number of initial notices in our area.
- 2.2.6 Four of the effected companies have been successful in gaining insurance but the other four have not.
- 2.2.7 Aedis failed to get insurance and as a result has now gone into liquidation.
- 2.2.8 Our records indicate that Aedis have 17 active projects within the Partnership area that have not been issued with completion certificates. As a result the owners will need to make reversion applications to the Local Authority for which we are entitled to a fee.
- 2.2.9 As the Building Control Authority we will then need to satisfy our selves that the work is satisfactory. As the Approved Inspector no longer has insurance they are unable to issue a partial final certificate for the work that has already been completed on site. If the applicant can obtain site notes from the Approved Inspector we will take this into account in our assessment but realistically they are unlikely to be able to get this information. As a result opening up works are likely to be required to expose elements of the construction.
- 2.2.10 We are now writing to all those effected explaining the situation. Whilst we are entitled to charge for the service these projects this is unlikely to cover the true cost of the work, as these projects are likely to be problematic with a client that may well be extremely reluctant. The need for enforcement action under Section 35 and 36 of the Building Act 1984 may well also arise which will impact on our legal teams.
- 2.2.11 It is understood that a further 15 Approved Inspectors will be seeking re-insurance by November 2019. Hence, we will monitor the companies closely and will be seeking reversion applications if required.
- 2.2.12 The issues behind these events may impact on the cost of insuring Local Authority Building Control.

2.3 South Hams Building Control resolution to Council

2.3.1 The South Hams DC resolution

2.3.1.1 South Hams District Council recently passed a motion that;

'This Council will lobby MPs and write to MHCLG to express its concerns about the standards of new housing, calling for:

- 1. A minimum number of inspections to be carried out on every new dwelling by the Building Control body, local authority or private sector;*
- 2. Quality of work to be incorporated to a higher degree than present, in the Building Regulations;*
- 3. Newly constructed timber framed housing to be included in the Governments Building Safety Programme; and*
- 4. Local Authorities to become the sole provider of Building Control, at least on high risk and all new residential buildings.'*

2.3.2 NMD Building Control comments

2.3.2.1 NMD Building Control has not supported this approach for the following reasons.

1. A minimum number of inspections to be carried out on every new dwelling by the Building Control body, local authority or private sector;

We believe this is far too simplistic an approach. Effective building control is about controlling the site not the individual plot. For instance it is reasonable to front load inspection on the initial plots to ensure the required standards are clearly understood by the site management, site specific issues are identified and solutions agreed and an effective working relationship is established. It therefore follows that other plots on the site of the same design may receive fewer inspections.

This also fails to take into account modern systems utilising off site prefabrication where overall control of the system and ensuring adequately trained site operatives are the key factor in ensuring successful delivery on site. It is therefore considered critical that resources are allocated based on an assessment of risk at all stages throughout a project rather than based on a prescribed number of inspections per plot.

2. Quality of work to be incorporated to a higher degree than present, in the Building Regulations;

This has been extensively discussed over the last 10+ years. The building regulations are a minimum standard and quality is recognised as an issue that can result in this standard not being reached through Regulation 7 that seeks to control materials and workmanship. Perception of quality is subjective concept and therefore would be extremely difficult to regulate. Policing of quality would require an entirely different system of control than that provided by the current Building Control System and far greater resources.

The culture of the building industry is based on a very cost driven procurement system where the Building Regulations are perceived by many to be an aspirational standard rather than the bare legal minimum. Currently quality is a contractual issue and is therefore project specific. If this is not delivering client expectations how can generalised regulations that are intended to cover all circumstances impose an enforceable level of quality?

3. Newly constructed timber framed housing to be included in the Governments Building Safety Programme;

The Building Safety Programme was set up to consider how make sure that residents of high-rise buildings are safe and feel safe, now and in the future. My understanding is that the use of combustible materials including timber in high rise buildings is already within scope. Clearly low rise timber frame housing would not be looked at within this project and we are not aware of any significant problems with the safety of timber frame housing.

4. *Local Authorities to become the sole provider of Building Control, at least on high risk and all new residential buildings.'*

We believe that this is an opportunistic protectionist approach and does not address the real issues. It will therefore be seen as such by central government. There is no evidence that LABC does a better job of controlling risk on high risk projects. In fact the high profile failures that have resulted in the current scrutiny of Building Control have all been under the control of Local Authorities.

However, the proposals contained in the Hackett report recommending a Joint Competent Authority requiring the involvement of Local Authority Building Control

could have a significant role to play in ensuring that safety systems and methods of construction are understood throughout the life of a building and responsibilities are clearly defined.

2.3.3 The Real Issue

- 2.3.3.1 In the early years of competition in Building Control with a limited number of providers it was generally viewed as having been a success in increasing customer service and the level of professionalism within Building Control.
- 2.3.3.2 However, this improvement has not been maintained. With over 30 companies competing for work in the North and Mid Devon area a number of companies are now pricing unrealistically low to win work resulting in decreased inspection and an over reliance on the provision of photographs after the event by some providers. There is also a clear tendency to adopt the lightest possible touch with regard to interventions in order to maintain favour with customers. This competition on standards extends to the procurement process where multiple service providers are engaged in pre-submission discussions in an attempt to negotiate the interpretation of regulations prior to awarding contracts to enable selection of the least cost option. This can result in savings that far outweigh the actual Building Control fee.
- 2.3.3.3 To confuse these issues with the control of high risk developments is a mistake as it is often those projects perceived as lower risk due to the nature of the work where the Building Control Body is taking the greatest risk by reducing inspection. Unfortunately, it is also these primarily domestic and smaller commercial projects, where the least professional and most inexperienced construction companies operate. Due to a lack of training and skills development within the construction industry Building Control has become relied upon over the years to fill this gap with a practical problem solving advice delivered on site and through the identification of problems at design stage. This input is now being eroded by some providers and this is inevitably seen in a reduction in the quality of the delivered product by the eventual client.
- 2.3.3.4 We believe it is the balance between competition and enforcement that has effectively corrupted the market for Building Control Services due to poor practice in both the public and private sectors. This suggests a failure to regulate the regulators. LABC have taken steps to begin to address these issues through the adoption of a national quality assurance system to ensure a consistent approach. However, this indicates a systemic failure of CICAIR to effectively regulate approved inspectors through the licencing scheme run by the Construction Industry Council resulting in the current failing system. Therefore this must lead to the question of whether there should be competition in the provision of enforcement services.

2.4 MHCLG Circular Letter dated 1 July 2019

- 2.4.1 The Building regulations recently changed to effectively ban the use of combustible materials in the facades of buildings over 18m high. This was as a result of the Grenfell Tower fire but MHCLG came under significant criticism as this did nothing to protect residents in medium rise flats
- 2.4.2 MHCLG as a result have issued an advice note followed by a circular letter stating that the use of combustibility of materials used in facades lower than 18m should be considered under Building Regulation Requirement B4 which states that “The external wall of a building should not provide a medium for fire spread that is likely to be a risk to health and safety”. Whilst this may appear reasonable this applies retrospectively the guidance provided to demonstrate how to meet the requirement has never suggested the need to take any measures below 18m.

2.4.3 As a result every representative organisation within Building Control has objected in the strongest possible terms as this has never been interpreted by anyone as now stated in the “clarification” from MHCLG and as a result this places all building control bodies and potentially individuals in legal jeopardy.

2.5 MHCLG Consultation – Building Safety System Reforms

2.5.1 MHCLG have now published a consultation document with regard to how they intend to implement the findings of the Hackitt enquiry which is the subject of a briefing separate to this report.

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