



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 as a virtual online meeting on **THURSDAY, 11TH FEBRUARY, 2021 at 9.30 am.**

Members of the
Committee:

Representing North Devon Council

Councillors Tucker and Yabsley

Representing Mid Devon District Council

Councillors Chesterton (Chair) and Deed

AGENDA

1. Virtual meetings procedure - briefing and etiquette
Chair to report.
2. Apologies for absence
3. To approve as a correct record the minutes of the meeting held on 12th November 2020 (Pages 3 - 8)
(attached)
4. Items brought forward which in the opinion of the Chair should be considered as a matter of urgency.
5. Declarations of Interest
(Please telephone the Corporate and Community Services Team 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 meeting if necessary).

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

PART 'A'

7. **Building Control Partnership Trading Account 2020-21 3rd Quarter** (Pages 9 - 10)
Report by North Devon Council Head of Resources
8. **Building Control Partnership Forecast Trading Account 2020-21 as at 3rd February 2021** (Pages 11 - 12)
Report by Head of Resources, (attached)
9. **Key Performance Indicators** (Pages 13 - 16)
Report by the Building Control Manager (attached).
10. **Building Control Business Update** (Pages 17 - 18)
Report by Building Control Manager (attached)
11. **Building Safety Bill Update** (Pages 19 - 22)
Report by Building Control Manager, (attached)
12. **Agenda Items for Future Meetings**
Building Control Manager and Head of Planning, Economy and Regeneration to report

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

NORTH DEVON COUNCIL

Minutes of a meeting of Building Control Joint Committee held as a Virtual - Online meeting on Thursday, 12th November, 2020 at 9.00 am

PRESENT: Members Representing MDDC

Councillor Chesterton (Chair) and Deed

Members Representing NDC

Councillor(s) Yabsley

Officers:

Building Control Manager, Head of Resources (NDC), Head of Place (NDC), Head of Planning, Economy and Regeneration (MDDC) and Solicitor and Data Protection Officer (NDC)

40. VIRTUAL MEETING PROCEDURE - BRIEFING AND ETIQUETTE

The Corporate and Community Services Officer outlined the virtual meeting procedure and etiquette as well as confirming those Members and Officers present.

41. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Topham (NDC) and Angela Barrett (MDDC).

42. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 6TH AUGUST 2020

RESOLVED that the minutes of the meeting held on 6th August 2020 (circulated previously) be approved as a correct record and signed by the Chair.

43. ITEMS BROUGHT FORWARD WHICH IN THE OPINION OF THE CHAIR SHOULD BE CONSIDERED AS A MATTER OF URGENCY.

The Chair asked the Committee Members if they would consider the Building Control Service Planning report by the Building Control Manager (circulated previously).

RESOLVED that the committee consider the Building Control Service Planning report and vote on the recommendations set out in it and that it be considered after item 12 "Findings of the Devon Audit Partnership report" on the agenda.

44. DECLARATIONS OF INTEREST

There were no declarations of interest made.

45. 2020/21 BUILDING CONTROL PARTNERSHIP TRADING ACCOUNT Q2

The Head of Resources presented the 2020/21 Building Control Partnership Trading Account Q2 (circulated previously) to the Joint Committee.

The Joint Committee heard the following highlights from the report:

- This report was the pooled account for both North Devon Council (NDC) and Mid Devon District Council (MDDC) covering April to September 2020
- Column one showed the sixth month budget approved for both authorities
- Column two showed the actual position for both authorities
- Each authority's apportioned expenses were split 60%/40% to NDC and MDDC respectively
- Column three detailed the 60%/40% allocations to each authority with NDC showing a £43,000 net deficit and MDDC a £28,000 net deficit after taking into account the income received and also the job retention scheme
- The combined total income was around £260,000 around £80,000 down on the same period last year. There was a 20% drop in budgeted income across both authorities
- The recently announced Government reimbursement income scheme was not reflected in this report. Councils would be reimbursed 75% of their net income losses and the details of the effect of this would be presented to Committee on the Q3 trading account
- The trading position of both authorities should hopefully improve by the end of the year following the above adjustment
- Both authorities were showing a slight surplus on chargeable activities, £7,000 to NDC and £6,000 to MDDC

RESOLVED that the 2020/21 Building Control Partnership Trading Account Q2 report be noted.

46. BUILDING CONTROL PARTNERSHIP FORECAST TRADING ACCOUNT 2020/21

The Head of Resources gave the Joint Committee a summary of the Building Control Partnership Forecast Trading Account 2020/21 report (circulated previously).

The Joint Committee heard the following:

- Column two showed a total forecast expenditure across the partnership of £715,000
- This was £25,000 higher than last year's figure of £690,000 and was due in part, to the increase in pay awards. It was in line with what had been budgeted for
- The £508,000 forecast income across the partnership was £130,000 less than last year and equated to a 20% drop
- Each authority had set aside a level of earmarked reserves to mitigate against any impact
- In relation to the Government's recently announced income loss reimbursement scheme, after the initial 5% absorption of budgeted income each authority would be reimbursed 75% of its net income losses. As a result Q3 and Q4 would show slightly better forecast positions due to the reimbursement credits received back and would be reflected in the next report

In response to a question on whether the partnership would receive no reimbursement if their chargeable income element showed as a surplus. The Head of Resources replied that nothing relating to this had been provided in the guidance from Government. The split of 75% and 25% chargeable and non-chargeable costs respectively was not shown on returns to the Government.

RESOLVED that the Building Control Partnership Forecast Trading Account 2020/21 be noted.

47. BUILDING CONTROL BUSINESS UPDATE

The Building Control Manager gave the Joint Committee a summary in relation to the Building Control Business Update Report (circulated previously).

The Joint Committee received the following:

- The trainee Building Control Officer had progressed to his next year's degree and was on track to obtain a 2:1
- Morale remained quite high within the team
- Three staff remained working in the office, two of whom were taking phone calls and distributing work
- The workload remained sufficient that no staff were being furloughed during the second lockdown due to the Covid-19 pandemic. The situation was being monitored
- Devonshire homes had decided not to leave the Partnership. North and Mid Devon Building Control along with Devonshire Homes had won the partnership of the year award at the recent LABC awards
- Internal working with MDDC Development team had reached protocols with the Planning team for handling DM1 within the Local Plan where 25% of a site with more than 10 dwellings had to provide higher levels of disabled access

- The Building Safety Bill, detailing the timetable of the transition of powers to the new Building Inspectorate was expected to be published at the end of October/beginning of November 2020 had been delayed. Full transition was expected by Government by 2023 but further information available
- Officers currently at levels four and five couldn't be progressed due to lack of information at present
- The level six validations only remained valid for four years. It was unlikely any surveyors would retain level six after this was a portfolio now needed to be provided, and due to the lack of high rise buildings in the area this would cause difficulties
- Being a predominantly rural area it would be difficult to compete for business outside of our geographical area without the credibility of experience of high rise buildings

48. KEY PERFORMANCE INDICATORS

The Building Control Manager gave the Joint Committee an update in relation to the Key Performance Indicators Report (circulated previously).

The Joint Committee received the following:

- There was an improvement of 38% in Q2 on the market for new dwellings. This was due to the phasing of the work
- The market share had increased to 82% in Q2
- Response to applications within three week target was at 100%
- October had been the busiest month seen for the Partnership over the last five years. Although this was slowing now due to the second lockdown

Councillor Yabsley gave thanks to the team for maintaining their services during a difficult period.

RESOLVED that the Key Performance Indicators report be noted.

49. FINDINGS OF DEVON AUDIT PARTNERSHIP REPORT

The Building Control Manger updated the Joint Committee in relation to the Findings of the Devon Audit Partnership report (circulated previously).

The Joint Committee received the following:

- An audit that was commissioned by MDDC to confirm whether the necessary steps had been taken to meet the new standards as a result of the Hackett enquiry, an assessment of the Building Control quality management system was also given an overview by the audit
- The key findings were that the department were doing what they should be

RESOLVED that the Findings of Devon Audit Partnership report be noted.

50. BUILDING CONTROL SERVICE PLANNING

The Building Control Manager gave the Joint Committee a summary in relation to the Service Planning report (circulate previously).

The Joint Committee received the following:

- This report was seeking the Joint Committees input into the 2021/22 Service plan. Discussions had been undertaken with Officers from both authorities
- Customer service was the focus of the plan and the Team's promptness to respond to customers and meeting the needs of the Building regulator
- Suggested short term objectives revolved around ensuring customer focus, with high quality record keeping thus ensuring the transparency of decision making process
- It was proposed that the medium and long term objectives remained unchanged
- Cost increases were proposed at 2% which were considered realistic considering the difficult conditions ongoing

RESOLVED that the Building Control Service Plan 2021/22 be adopted.

RECOMMENDED that the Building Control fees increase by an average of 2% for the financial year 2021/22.

51. DATES AND LOCATIONS OF FUTURE MEETINGS. TO AGREE DATES AND LOCATIONS OF FUTURE MEETINGS OF THE COMMITTEE FOR 2021/22

The Joint Committee discussed the location, time and when future meetings would be held.

RESOLVED that future meetings be held at 9.30 am on the second Thursday of May, July, November and February at the Woodlands centre, South Molton, and that the Clerk draft dates and forward an email to the Joint Committee for consideration.

Chair

The meeting ended at 9.47 am

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	1		2			3		4		5	
	2020/21 BUDGET		2020/21 ACTUAL					NDC 2020/21		MDC 2020/21	
	NDC	MDC	NDC	MDC	Total	NDC	MDC	Chargeable	Non Chargeable	Chargeable	Non Chargeable
	£	£	£	£	£	61.09% £	38.91% £	75% £	25% £	75% £	25% £
Expenditure											
Employees	274,230	116,358	281,354	114,880	396,234	242,068	154,167	181,551	60,517	115,625	38,542
Transport	19,088	10,793	19,081	6,669	25,750	15,731	10,019	11,798	3,933	7,514	2,505
Supplies and Services	9,533	8,025	9,787	6,555	16,342	9,984	6,359	7,488	2,496	4,769	1,590
Third Party Payments	0	0	0	0	0	0	0	0	0	0	0
Central & Support Service charges	57,278	33,450	57,278	33,450	90,728	55,427	35,300	41,570	13,857	26,475	8,825
Total Expenditure	360,128	168,625	367,500	161,554	529,054	323,210	205,844	242,407	80,802	154,383	51,461
Income											
Building Regulation Charges	-267,150	-180,000	-249,629	-158,982	-408,611	-249,629	-158,982	-249,629		-158,982	
Misc Income S106/Receipts	-750	0	0	-1,500	-1,500	0	-1,500	0		-1,500	
Job Ret Scheme	0	0	-14,815	0	-14,815	-9,051	-5,764	-6,788	-2,263	-4,323	-1,441
SFC Compensation Income Grant	0	0	-18,882	-22,000	-40,882	-24,976	-15,906	-18,732	-6,244	-11,930	-3,977
Total Income	-267,900	-180,000	-283,326	-182,482	-465,809	-283,656	-182,153	-275,149	-8,507	-176,735	-5,418
(Surplus)/Deficit for Year	92,228	-11,375	84,174	-20,928	63,245	39,554	23,691	-32,742	72,296	-22,352	46,043

% income split

61.09% 38.91%

63,245

39,554

23,691

Total Actual Variance To Budget Spend	-17,607
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Appropriation Profit/Loss

Cash require to pay over from MDC to NDC

44,620

Debtor to be raised by NDC to MDC

-44,620

0

Reconciliation - 9 month position compared to budget

	NDC	MDC
Base budget excluding transfer between authority	92,227.50	-11,375.00
Budgeted contribution between each authority	-38,632.50	38,632.50
Bottom line for comparison	53,595.00	27,257.50
9 Month Actual from above	39,554.23	23,691.06
9 Month Deficit / (Surplus) compared to budgeted positio	-14,040.77	-3,566.44

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NMD BUILDING CONTROL

REPORT TO: JOINT SERVICES COMMITTEE

DATE: 11/02/2021

TOPIC: KEY PERFORMANCE INDICATORS

REPORT BY: MIKE TUCKER (BUILDING CONTROL MANAGER)

1 INTRODUCTION

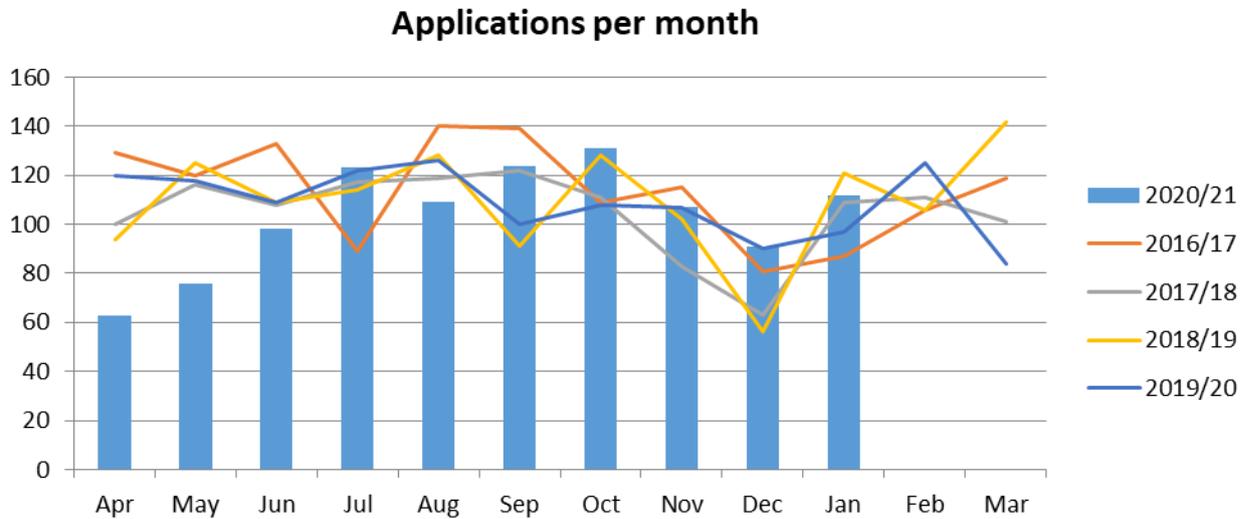
1.1 The purpose of this report is to update members regarding the progress of the partnership and contains no recommendations.

2 REPORT

2.1 Key performance indicators

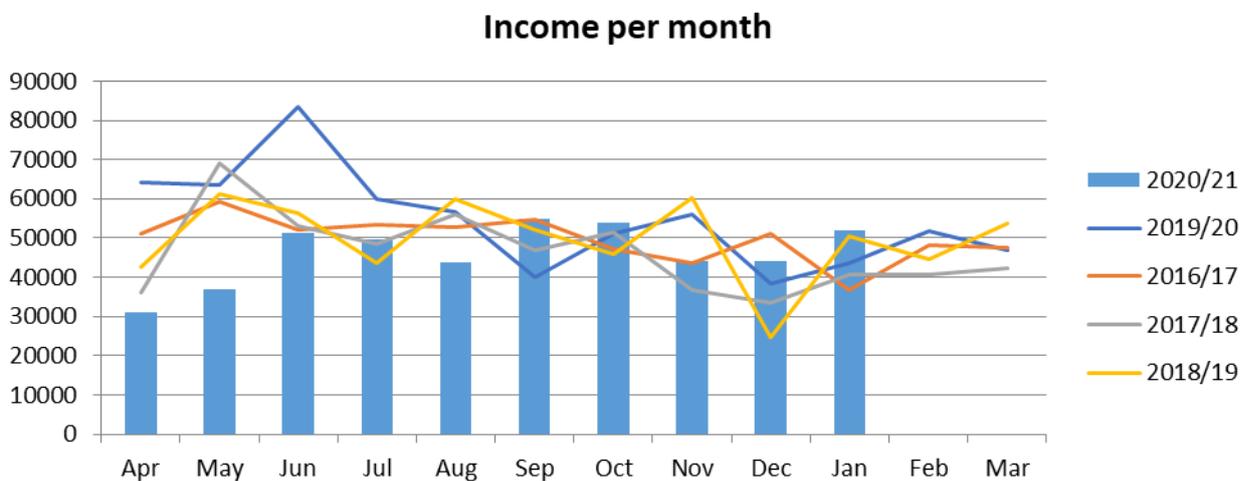
KPI	Year	2019/20				2020/21		
	Target	Q1	Q2	Q3	Q4	Q1	Q2	Q3
Building Regulation Full Plan applications determined in 2 months	95%	99%	96%	100%	100%	98%	99%	99%
Building Regulation Applications examined within 3 weeks	95%	84%	90%	98%	99%	99%	100%	99%
Average time to first response (Days)	10	12	10	8	7	5	7	7
Market Share - Number of applications %	75%	74%	78%	72%	75%	81%	82%	77%
Market Share - New Housing Completions %	40%	32%	33%	33%	52%	32%	38%	42%
Financial Position	Breakeven	82,281	110,722	147,935	141,406	9,506	20,499	TBA
Number of applications received	N/A	346	348	305	306	237	356	329

2.2 Number of applications received



2.2.1 As can be seen from the graph above, application numbers have remained strong in Quarter 3 and have remained robust throughout the second and third lockdowns.

2.3 Fee Income



2.3.1 Overall income is still below that budgeted for the year. However, the recovery has continued throughout Quarter 3 with an unusually high level of activity in December and January despite the third lockdown.

2.3.2 However, activity on site has noticeably slowed in January with significantly fewer inspections being requested.

Agenda Item 9

2.1 Plan check response times

2.1.1 Response times have been maintained at an average of 7 days despite the high number of applications for the time of year.

2.2 Market share

2.2.1 Overall market share dropped back to 77% for the quarter. This is believed to be primarily because of the County Council tendering round for work in schools resulting in an influx of applications from NPS who use London Building Control.

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NOTE TO: JOINT SERVICES COMMITTEE

DATE: 11/02/2021

TOPIC: BUILDING CONTROL BUSINESS UPDATE

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 contains no recommendations.

2 REPORT

2.1 Staff

- 2.1.1 Our trainee Building Control Surveyor continues to have strong reviews from the course tutors.
- 2.1.2 One of our Technical Support Team has commenced a Level 3 qualification in Building Control administration and has also registered for Systems administration Training with iDox our software supplier in order to ensure that we have an internal succession plan for the Team Leader Role
- 2.1.3 We are currently experiencing some resourcing issues with two Surveyors having to take sick leave for longer than average periods. Unfortunately one of these is due to a severe case of Covid-19. As the Surveyor has been working from home throughout the pandemic there has been no risk of spread to colleagues.
- 2.1.4 With a Principle and Senior Surveyor currently shielding due to vulnerable health issues this has left us with only one Senior Surveyor able to carry out inspections in the field. As a result I have been carrying out site inspections myself to provide adequate cover and delegating other tasks to our Principle Surveyor who is shielding. A down turn of the number of inspections requested in January has ensured this approach is manageable
- 2.1.5 One of our Technical Support Team commences maternity leave on 11 March 2021 and the Technical Support Team Leader is due to retire in September. It is therefore critical that we bring in a temporary staff member to assist with cover. However, due to the extensive training required in the role we hope that the temporary cover will become the permanent replacement.
- 2.1.6 Michael Tichford Head of Place for North Devon and member of the Building Control Partnership Panel left North Devon Council on 31 January 2021 and at the time of writing we have not been made aware of interim plans for management reporting.

2.2 Legislation

- 2.2.1 The publication of the following revised Approved Documents has been delayed,
 - F - Ventilation, and
 - L - Conservation of fuel and power.

- 2.2.2 Publication now expected around April 2021 to enable the impact of responses to the Future Homes Consultation to be fully considered. This could provide an opportunity to provide update training to our customers as a tool to further promote the service.
- 2.2.3 Approved Document B Fire safety now under major review with a number of work strands ensuring a research based approach to the changes expected by 2024.

2.3 LABC

- 2.3.1 LABC are carrying out a review of the partnership scheme. The scheme allows Local Authorities to work beyond the geographic boundaries of their area. Normally this involves the design approval of applications with the inspections being carried out by the “host” Local Authority. However, it also facilitates cross border inspections with the agreement of both Authorities.
- 2.3.2 The review has become necessary due to a variety of bad practice and attempts by some Authorities to compete with their neighbours rather than working collaboratively to meet the needs of the customer.
- 2.3.3 The future scope of the scheme is therefore likely to be more restricted and more clearly targeted at regional and national developers such as own partnership with Devonshire Homes.

2.4 Enforcement Case

- 2.4.1 We prepared for enforcement proceedings against a supplier of domestic platform lifts. A lift was fitted in a residential dwelling between a garage and first floor.
- 2.4.2 Despite having been repeatedly approved by their Partner Local Authority it was evident when inspecting on site that there was no effective fire separation that is required for a garage.
- 2.4.3 The company initially provided summary test reports purporting to show adequate fire resistance and refused to provide the full reports claiming confidential intellectual property. However, we eventually obtained the full reports after threatening prosecution for contravention of Regulation 16. On receipt of the full report it was clear that the results had been misrepresented and the company subsequently upgraded the installation enclosing the lift in fire resisting construction.
- 2.4.4 We did not proceed with prosecution because the work was rectified to a good standard and the Magistrates Courts are currently effectively dysfunctional. However, we did raise the issue with the Partner Authority and nationally with the LABC Technical Director in an effort to ensure that this is not repeated in the future elsewhere.

NOTE TO: JOINT SERVICES COMMITTEE

DATE: 02/11/2020

TOPIC: BUILDING CONTROL BUILDING SAFETY BILL UPDATE

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 Building Safety Bill and the implementation of the new enforcement regime for the Building Regulations under the Building Safety Regulator.

2 REPORT

2.1 Time Table for transition to the Building Safety Regulator

- 2.1.1 A timetable that lays out key benchmarks for the transition of powers to the Building Safety Regulator has now been published

2.1.2 2021

- Develop high level end to end model of the new regime – January 2021
- Interim Competence Committee established – January 2021
- Appointment of a Chief Inspector - February 2021
- Appointment of a Digital Partner - March 2021
- Interim Residents Panel – March 2021
- Stake holder engagement and duty holder campaign – March 2021
- **HSE becomes Statutory Consultee I Gateway 1 (Planning) – April 2021**

2.1.3 2022

- The Building Safety Regulator Enforcement Policy Statement, Enforcement Management Model and tools being developed – January 2022
- Full Competence Committee in place – October 2022
- **Registration of Building Control Inspectors commences – October 2022**
- Building Safety Regulator enforcement powers come into effect bring introduction of compliance notices and stop notices– October 2022
- Audience Group workshops – October 2022
- The Building Advisory Committee (BAC) replaces the Building Regulation Advisory Committee (BRAC) – October 2022
- Full Residents Panel starts – October 2022
- Key documents published – October 2022

- Guidance for regulators on formation of multi-disciplinary teams
- Guidance for duty holders on gateways
- Guidance for approved persons on safety cases

2.1.4 2023

- Regional show and tells sharing experience to date – January 2023
- Building Safety Regulator national launch event – April 2023
- First Building Safety Regulator strategic plan published after agreement with Ministers and Residents Panel - March 2023
- First Higher Risk Building will pass through the gateways to complete the system

2.1.5 2024

- First case review – April 2024

2.1.6 2025

- Target operating model reached – April 2025

2.1.7 2027

- First independent review of the Building Safety Regulator

2.2 Validation of Competency

2.2.1 As highlighted in the above plan from October 2022 it is intended that Building Inspectors at all levels will require to be registered with the Building Safety Regulator.

2.2.2 In order to register it will be necessary to pass a competency assessment at the appropriate level for the work carried out. Levels are identified as,

- Level 3 -Technical Support operative
- Level 4 - Low rise domestic
- Level 5 - Commercial and low rise flats
- Level 6 - High rise and complex

2.2.3 The definitions of high rise and complex are still subject to change

2.2.4 Competency assessment must be UKAS audited and accredited to ISO:17024

2.2.5 LABC have set up a competency assessment scheme (currently the only scheme) for this purpose and is overseen by an impartiality committee made up of prominent construction industry experts.

2.2.6 Five of our staff gained accreditation in November 2019 at the Level 6 which is the highest level.

2.2.7 Validation schemes for Levels 4 and 5 are currently being developed but details have not been published. Self-directed training pathways for Level 4 and 5 have been published by LABC but they require a significant time commitment to complete and then a validation exam of unknown nature must be passed.

- 2.2.8 Other schemes from organisations such as professional bodies are in development but there is no information currently available for potential candidates. We are therefore left with four Surveyors requiring validation but options are still not clear.
- 2.2.9 Registration is only valid for 4 years and then further validation and evaluation of work experience is required to maintain registration.
- 2.2.10 This is an unprecedented requirement and poses significant challenges to our terms of conditions for our staff which will need to be considered in detail.

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