



## Public Document Pack

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

K. Miles  
Chief Executive.

### **BUILDING CONTROL JOINT COMMITTEE**

A meeting of the Building Control Joint Committee will be held in the Barum Room - Brynsworthy on **THURSDAY, 10TH FEBRUARY, 2022 at 9.30 am.**

**(NOTE: A location plan for the Brynsworthy Environment Centre is attached to the agenda front pages. From the 7 May 2021, the law requires all councils to hold formal meetings in person. The council is also ensuring that all venues used are Covid secure and that all appropriate measures are put in place. There are a limited number of spaces available for members of the public to attend. Please check the Council's website for the latest information regarding the arrangements that are in place and the requirement to book a place 2 working days prior to the meeting [Taking part in meetings \(northdevon.gov.uk\)](http://northdevon.gov.uk))**

Members of the Building Control Joint Councillor Yabsley (Chair)  
Committee.

Councillors Chesterton, Deed and Tucker.

### **AGENDA**

1. Apologies for absence.
2. To approve as a correct record the minutes of the meeting held on 4th November 2021 (attached) (Pages 7 - 12).
3. Items brought forward which in the opinion of the Chair should be considered as a matter of urgency.
4. 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).
5. To agree agenda between Part 'A' and Part 'B' (Confidential Restricted Information).

### **PART 'A'**

6. **Pooled budget and 2021-22 trading account for Quarter 3** (Pages 13 - 14)  
Report by North Devon Council Director of Resources and Deputy Chief Executive

(attached).

7. **Building Control Business Update.** (Pages 15 - 16)

Report by Building Control Manager (attached).

8. **Key Performance Indicators.** (Pages 17 - 20)

Report by the Building Control Manager (attached).

9. **Dates and locations of future meetings.**

To agree dates and locations of future meetings of the Committee for 2022/23:

- Thursday 12<sup>th</sup> May 2022 at 9.30am.
- Thursday 7<sup>th</sup> July 2022 at 9.30am.
- Thursday 10<sup>th</sup> November 2022 at 9.30am.
- Thursday 16<sup>th</sup> February 2023 at 9.30am.

(NOTE: Unless otherwise agreed the Joint Committee must meet at least on a quarterly basis with the meeting held at 9.30am 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**

2.02.22



## **North Devon Council protocol on recording/filming at Council meetings**

The Council is committed to openness and transparency in its decision-making. Recording is permitted at Council meetings that are open to the public. The Council understands that some members of the public attending its meetings may not wish to be recorded. The Chairman of the meeting will make sure any request not to be recorded is respected.

The rules that the Council will apply are:

1. The recording must be overt (clearly visible to anyone at the meeting) and must not disrupt proceedings. The Council will put signs up at any meeting where we know recording is taking place.
2. The Chairman of the meeting has absolute discretion to stop or suspend recording if, in their opinion, continuing to do so would prejudice proceedings at the meeting or if the person recording is in breach of these rules.
3. We will ask for recording to stop if the meeting goes into 'part B' where the public is excluded for confidentiality reasons. In such a case, the person filming should leave the room ensuring all recording equipment is switched off.
4. Any member of the public has the right not to be recorded. We ensure that agendas for, and signage at, Council meetings make it clear that recording can take place – anyone not wishing to be recorded must advise the Chairman at the earliest opportunity.
5. The recording should not be edited in a way that could lead to misinterpretation or misrepresentation of the proceedings or in a way that ridicules or shows a lack of respect for those in the recording. The Council would expect any recording in breach of these rules to be removed from public view.

### **Notes for guidance:**

Please contact either our Corporate and Community Services team or our Communications team in advance of the meeting you wish to record at so we can make all the necessary arrangements for you on the day.

For more information contact the Corporate and Community Services team on **01271 388253** or email **memberservices@northdevon.gov.uk** or the Communications Team on **01271 388278**, email **communications@northdevon.gov.uk**.

North Devon Council offices at Brynsworthy, the full address is:  
Brynsworthy Environment Centre (BEC), Roundswell,  
Barnstaple, Devon, EX31 3NP.

Sat Nav postcode is EX31 3NS.

At the Roundswell roundabout take the exit onto the B3232, after about ½ mile take the first right, BEC is about ½ a mile on the right.

Drive into the site, visitors parking is in front of the main building on the left hand side.

On arrival at the main entrance, please sign in using the Track and Trace App and follow the signage and instructions in order to access the Meeting Rooms. Alternatively, dial 8253 for Corporate and Community Services if you have any problems.





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## **NORTH DEVON COUNCIL**

Minutes of a meeting of Building Control Joint Committee held at Barum Room - Brynsworthy on Thursday, 4th November, 2021 at 9.30 am

PRESENT: Members:

Councillor Yabsley (Chair)

Councillors Chesterton, Deed and Tucker

Officers:

Head of Planning, Housing and Health, Building Control Manager, Accountancy Services Manager and Senior Solicitor and Monitoring Officer

Also Present:

Director of Place (Mid Devon District Council) and Accountant (Mid Devon District Council).

### **11. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Paul Deal, Mid Devon District Council.

### **12. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 8TH JULY 2021 (ATTACHED)**

RESOLVED, that the minutes of the meeting held on 8th July 2021 be approved as a correct record and signed by the Chair.

### **13. DECLARATIONS OF INTEREST**

There were no declarations of interest received.

### **14. 2021/22 Q2 FORECAST BUILDING CONTROL PARTNERSHIP TRADING ACCOUNT.**

The Joint Committee considered a report by North Devon Council Head of Resources (circulated previously) regarding the 2021/22 Q2 Forecast Building Control Partnership Trading Account.

The Accountancy Services manager (NDC), gave the Committee the following summary:

- Column one of the trading account showed the budget for each Council.
- Column two showed the actuals expenditure and income.
- Column three showed the percentage split of trade income between the two authorities, with the trading position for North Devon Council at 56% and Mid Devon District Council at 43%.

He added that for revenue monitoring purposes shown in the reconciliation table there was a forecast surplus of £11K for North Devon Council and £12K for Mid Devon District Council.

He added that since the publication of the agenda, there had been an adjustment to the Q2 forecast figures as officers hadn't removed the depreciation costs for the IT system and that the revised figures would be circulated to the Joint Committee following the meeting. The actuals column three trading figures for both authorities were now as follows:

- North Devon Council - £1,097.
- Mid Devon District Council - £832.

RESOLVED, that the report and the revision to the figures be noted.

## **15. BUILDING CONTROL BUSINESS UPDATE.**

The Joint Committee considered a report by the Building Control Manager (circulated previously) regarding the Building Control Business update.

The Building Control Manager advised that he had just returned from sick leave, so the report was prepared whilst he was unwell and as a result was not as detailed as it would usually be.

He explained that the workload had reduced in July and August of 2021 and recovered in September before reducing again in October. However, the service was moving a long on budget during a slowness in the industry.

Individual officer workloads remained high despite a reduction in applications in July and August as the decrease took time to filter through to impact day to day activity.

One of the team's surveyors retired in October 2021 and the vacancy had been filled via the appointment of the trainee, who had recently completed their apprenticeship and obtained a first class honours degree in Public Service Building Control.

There had been some staffing issues due to sickness, with four surveyors within a team of nine having contracted Covid-19 on separate occasions. However, with all staff currently working from home there had been no risks to other members of staff and those affected were able to work from home once well enough to do so.

As previously reported there was an application to the Magistrates Court for an order under Section 77 for the building Act regarding Rowan Cottage, Chittlehampton,

which was heard and granted by the Magistrate on 28<sup>th</sup> September 2021. The authority was now waiting to see if the owner will take action.

As anticipated with the transition to the new regime for Building Control under the Building Safety Regulator, Approved Inspectors were reviewing their operations and cleaning up their books. As a result the service was experiencing an increase in Initial Notice cancellations and reversions as Approved Inspectors return projects to the Local Authority that they were not able to bring to a satisfactory completion.

In addition, Construction Industry Council Approved Inspector Register (CICAIR) who were currently responsible for monitoring Approved Inspectors had withdrawn approval of Celtech Consultancy Ltd and Campagna Ltd following their failure to meet the required standards during re-approval audit of their systems and processes. He advised that their licences would be valid until April 2022 to enable them to wind down their operations in a timely manner. He explained that the service had already received Initial Notice cancellations from Celtech Consultancy Ltd, who had some existing projects in that area.

The Building Control Manager was currently exploring options to address the additional work and advised that one way to mitigate the situation would be to recruit two trainees to the service instead of one.

In response to a question regarding the timescale for enforcement action if the owner does not respond regarding Rowan Cottage, Chittlehampton. The Building Control Manager advised that there was some confusion in the lead up to the hearing in that the defendant was non-responsive. Officers considered asking for an adjournment. However, the decision was taken not to and the North Devon Council's solicitor had written to the court to ascertain how long the authority should wait prior to taking any further action, adding that it was usually 60 days. Reimbursement of the Council's expenses would then be sought from the defendant.

In response to a question regarding the opportunity to employ additional trainees from Petroc, the Building Control Manager advised that he would need to have a separate conversation with the Head of Planning, Housing and Health in relation to the suggestion as previous attempts to recruit trainees from Petroc had seen no applications. He added that the most successful recruitment in previous years had been via applicants that were already working within the industry.

Councillor Deed advised that he had attended the graduation event at Petroc recently and that the Human Resources Director would be happy to discuss trainee opportunities with the Council.

In response to a suggestion regarding the importance of establishing a working relationship with Petroc together with the suggestion that officers visit the college to explain the building control process, the Building Control Manager advised that he would be happy to be involved in such a process.

The Head of Planning, Housing and Health added that at the current time, there was a challenge for technical roles across the board. He explained that there was a requirement to develop a wider strategy to recruit officers into service areas such as

Building Control, Planning, Environmental Health and Housing. He added that the government were incentivising councils to recruit and train people through the government funded graduate scheme. The scheme allowed people to gain qualifications, which would be funded by the Council and then required to work for the Council for a period of time following their qualification or they would be required to repay the fees.

The Building Control Manager advised that trainees required a lot of time investment, which was dependent on the level at which they were brought to the role, which inevitably put additional pressure on an already stretched service.

The Director of Place, Mid Devon District Council echoed the comments made by the Head of Planning, Housing and Health, North Devon Council and welcomed the opportunity to explore how to address resources going forward. He added that from his previous experiences with Petroc that work experience placements had been very successful in allowing students to gain an insight into roles within the Building Control service.

The Joint Committee discussed the following points:

- The unfortunate situation regarding Building Inspectors losing their licence but also acknowledged the importance of ensuring that residents live in properties that were built to a safe and satisfactory standard.
- The ongoing issue with the supply of building materials.
- The aspirations to raise the standards with the risk being the speed of change together with the lack of available resources to inspect buildings.
- The major shortage of Building Inspectors with only 3,500 currently working within the UK.
- Agreed that there was a requirement to explore all avenues of recruitment potential.

RESOLVED, that the report be noted.

The Joint Committee expressed its congratulations to the member of staff on their achievement.

## **16. KEY PERFORMANCE INDICATORS.**

The Joint Committee considered a report by the Building Control Manager (circulated previously) regarding Key Performance Indicators (KPIs).

The Building Control Manager advised that the KPIs for the service were in a steady position.

He provided an update in relation to the following areas:

- The number of Building Regulation applications that were examined within a three week period was at 98% against a target of 95%.
- The average time to first response in days was 7.5 against a target of 10.

- Since the report was published, the figures for October had been produced and they showed a market share for the number of applications was 83% against a target of 75% and the Joint Committee was advised that the figure was the highest ever seen.
- The market share for new housing completions was 39% against a target of 40%.
- The financial position indicated a surplus of £81K.
- The number of applications received had reduced to 105 in October 2021.

In response to a question regarding a slow in the housing market, the Building Control Manager advised that housing completions had slowed recently.

In response to a further question regarding the service's financial position, the Building Control Manager advised that many Councils were generating an income from their Building Control service. He added that when we face another recession there will be difficult years and the cost of the service delivery would increase.

RESOLVED, that the report be noted.

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

The Joint Committee noted the date of the next meeting, which was scheduled to be held on Thursday 10<sup>th</sup> February 2022.

Chair

The meeting ended at 10.16 am

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	1		2			3		4		5	
	2021/22 BUDGET (Apr - Dec)		2021/22 ACTUAL (Apr - Dec)					NDC 2021/22		MDC 2021/22	
	NDC	MDC	NDC	MDC	Total	NDC	MDC	Chargeable	Non Chargeable	Chargeable	Non Chargeable
	£	£	£	£	£	58.15% £	41.85% £	75% £	25% £	75% £	25% £
<b>Expenditure</b>											
Employees	282,308	120,180	262,431	117,198	379,629	220,751	158,878	165,563	55,188	119,159	39,720
Transport	12,075	10,793	11,744	8,372	20,116	11,697	8,419	8,773	2,924	6,314	2,105
Supplies and Services	9,705	8,358	6,758	6,050	12,808	7,448	5,360	5,586	1,862	4,020	1,340
Third Party Payments	0	0	0	0	0	0	0	0	0	0	0
Central & Support Service charges	57,735	19,658	57,735	19,658	77,393	45,003	32,389	33,752	11,251	24,292	8,097
<b>Total Expenditure</b>	<b>361,823</b>	<b>158,988</b>	<b>338,668</b>	<b>151,278</b>	<b>489,945</b>	<b>284,899</b>	<b>205,047</b>	<b>213,674</b>	<b>71,225</b>	<b>153,785</b>	<b>51,262</b>
<b>Income</b>											
Building Regulation Charges 77.7%	-283,022	-190,365	-273,395	-196,767	-470,162	-273,395	-196,767	-273,395		-196,767	
Misc Income/S106 Receipts	0	0	0	0	0	0	0	0		0	
<b>Total Income</b>	<b>-283,022</b>	<b>-190,365</b>	<b>-273,395</b>	<b>-196,767</b>	<b>-470,162</b>	<b>-273,395</b>	<b>-196,767</b>	<b>-273,395</b>	<b>0</b>	<b>-196,767</b>	<b>0</b>
<b>(Surplus)/Deficit for Year</b>	<b>78,800</b>	<b>-31,378</b>	<b>65,273</b>	<b>-45,489</b>	<b>19,783</b>	<b>11,504</b>	<b>8,280</b>	<b>-59,721</b>	<b>71,225</b>	<b>-42,982</b>	<b>51,262</b>

% income split

58.15%

41.85%

19,783

11,504

8,280

Total Actual Variance To Budget Spend -27,639

**Appropriation Profit/Loss**

Cash require to pay over from MDC to NDC

53,769

Debtor to be raised by NDC to MDC

-53,769

0

Memo for monitoring purposes

<b>Reconciliation - 9 month position compared to budget</b>		
	NDC	MDC
Base budget excluding transfer between authority	78,800.25	-31,377.50
Budgeted contribution between each authority	-54,930.00	54,930.00
Bottom line for comparison	23,870.25	23,552.50
9 Month Actual from above	11,503.91	8,279.56
<b>9 Month Deficit / (Surplus) compared to budgeted</b>	<b>-12,366.34</b>	<b>-15,272.94</b>

-27,639.28

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**NOTE TO:           JOINT SERVICES COMMITTEE**

**DATE:               10/02/2022**

**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 Workload

Despite the decrease in applications in July and August workloads have remained high for individuals as this takes time to filter through to impact day to day activity and the impact of the holiday season.

### 2.2 Staffing

We still have a member of our Technical Support Team on maternity leave who anticipates returning to work on 17 February 2022 on a part time 20 hour contract. As soon as her revised contract is signed and returned we anticipate advertising for a further part time post to make up the difference.

We advertised unsuccessfully three times to fill the vacancy created by the promotion of a member of the Technical Support Team to Team Leader. However, due to a change of circumstances the out-going team leader has decided not to retire at this point and has been appointed as a Technical Support Officer to fill this vacancy although the contracted hours have been reduced to 29.6 hrs.

A new trainee has now been recruited and joins us with a BSc (Hons) Degree in Building Surveying. Hence we are hopeful that their training and development will follow the pattern of our previous trainee resulting in a fairly rapid contribution to servicing the workload. However, at the current time this is an effective reduction in productive resource.

We also have a long term sickness issue with a Senior Surveyor having been off work since the beginning of December.

These staffing issues are now placing a strain on individuals due to the reduction in available resource. This will be further exasperated with the retirement of the Building Control Manager at the end of March as duties are delegated to other senior member of the team until a replacement is in post.

At current workloads this reduction in resource will impact performance and is likely to require some prioritisation of inspections. In the short term it is anticipated that this shortfall in resource will in part be relieved by the use of overtime to aid plan checking response times. This will be budgeted for via the absence of the Building Control Manager.

## 2.3 Building Safety Regulator

More information with regard to the requirements for validation as a registered Building Inspector are gradually becoming available although the distribution of information from the Building Safety Regulator and LABC has been limited and contradictory up to this point causing significant despondency and moral issues amongst staff.

Unfortunately it now transpires that the Level 6 validation achieved by five of the staff in November 2019 will no longer be considered adequate for registration purposes with the scope of skills and experience required having been expanded beyond just the fire safety elements. Grant aided funding is now available for upgrading of Surveying staff but currently this is limited to Local Authorities that have high rise residential buildings (HRB's) within their area. However, it is anticipated that costs will be covered by LABC for the NMD Partnership and a budget has been allocated to support this.

Resource problems are not limited to the NMD partnership as there is a shortage of resources across the South West. By example the majority of HRB's.

## 2.4 Reversions from Approved Inspectors

We are continuing to receive an increase number initial notice cancellations from Approved Inspectors as they are unable issue completion certificates as they do not consider themselves in a position to certify compliance.

As a result of this we are required to obtain reversion applications from the person carrying out the work and take over supervision. These projects can be difficult and time consuming which is further impacting limited resources.



## NMD BUILDING CONTROL

**REPORT TO: JOINT SERVICES COMMITTEE**  
**DATE: 10/02/2022**  
**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 Target	2020/21				2021/22		
		Q1	Q2	Q3	Q4	Q1	Q2	Q3
Building Regulation Full Plan applications determined in 2 months	95%	98%	99%	99%	97%	100%	97%	98%
Building Regulation Applications examined within 3 weeks	95%	99%	100%	99%	98%	90%	98%	99%
Average time to first response (Days)	10	5	7	7	7	8.5	7.5	8
Market Share - Number of applications %	75%	81%	82%	77%	81%	77%	80%	84%
Market Share - New Housing Completions %	40%	32%	38%	42%	51%	47%	39%	42%
Financial Position	Breakeven	9,506	20,499	55,094	92,546	51,929	81,775	TBA
Number of applications received	N/A	237	356	329	381	379	322	295

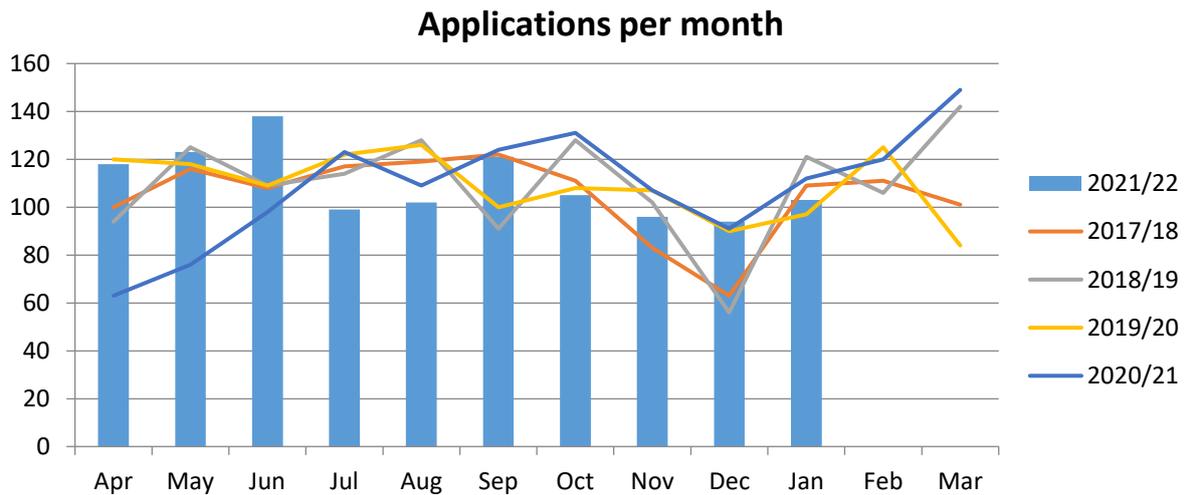
#### 2.2 Market share

Market share has risen to 84% for quarter three which is the highest percentage recorded using the current methodology which was adopted in 2015.

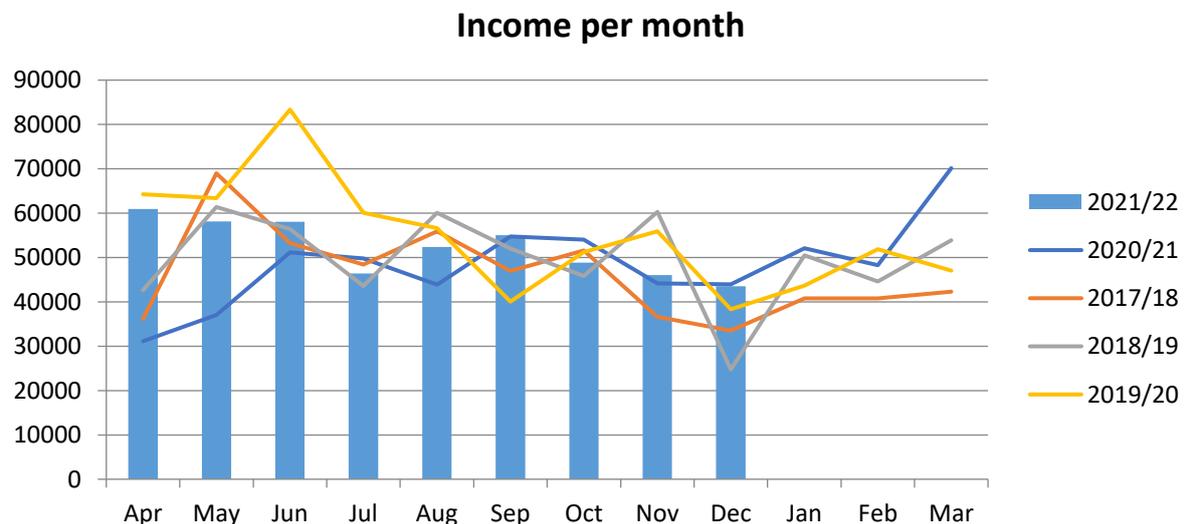
The market share of new housing completions has contoured to be strong at 42% although this is based on a relatively low level of activity in the sector.

## 2.3 Workload

Unexpectedly we have not seen a marked drop in demand in Quarter 3 with Decembers activity being sufficiently strong to ensure income currently exceeds budget expectation at this point in the year.



## 2.4 Financial performance



The net result is that the budget at the end of Q2 is on target at this point taking into account the uneven receipt of fees throughout the year.

## 2.5 Customer Service

The average time to first response for plans examination has remained under the 10 day target and the 21 day is now again within target.

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