



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 Barum Room - Brynsworthy on **THURSDAY, 10TH NOVEMBER, 2022 at 9.30 am.**

(NOTE: A location plan for the Brynsworthy Environment Centre is attached to the agenda front pages. For meetings held at Brynsworthy only, you can join the meeting virtually via Microsoft Teams. There are also limited spaces to attend the meeting in person. 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)

Members of the
Committee:

Representing North Devon Council

Councillors Tucker and Yabsley

Representing Mid Devon District Council

Councillors Chesterton (Chair) and Deed

AGENDA

1. Apologies for absence
2. To approve as a correct record the minutes of the meeting held on 7th July 2022 (attached) (Pages 3 - 8)
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. **2021/22 Building Control Partnership trading account Quarter 2.** (Pages 9 - 10)
Report by North Devon Council Accountancy Services Manager (attached).
7. **Building Control Business Update.** (Pages 11 - 18)
Report by Principle Building Surveyor - North Devon Council (attached).
8. **Dates and locations of future meetings. To agree dates and locations of future meetings of the Committee for 2022/23.**
 - Thursday 16th 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 10.00am and the offices of the Chairman's partner authority).

PART 'B' (CONFIDENTIAL RESTRICTED INFORMATION).

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 at Barum Room - Brynsworthy on Thursday, 7th July, 2022 at 9.30 am

PRESENT: Members:

Councillor Deed (Chair)

Councillors Chesterton and Tucker

Officers:

Principle Building Surveyor, North Devon Council.

Also Present:

Director of Place, Mid Devon District Council and Accountant, Mid Devon District Council.

9. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Yabsley.

10. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 12TH MAY 2022 (ATTACHED)

RESOLVED, that the minutes of the meeting held on 12th May 2022 (circulated previously) be approved as a correct record and signed by the Chair.

11. DECLARATIONS OF INTEREST

There were no declarations of interest announced.

12. APPOINTMENT OF VICE CHAIR FOR 2022/23.

RESOLVED that Councillor Tucker be appointed Vice Chair of the Joint Committee for the municipal year.

13. BUILDING CONTROL BUSINESS UPDATE. REPORT BY PRINCIPLE BUILDING SURVEYOR - NORTH DEVON COUNCIL (ATTACHED).

The Principle Building Surveyor for North Devon Council provided an update (circulated previously) regarding the Building Control Business update.

He advised that Key Performance Indicators (KPIs) activity reports were not currently available to publish and were not included in the report. He added that once they were available a copy would be provided for circulation. Due to the depleted resources within the service it was evident from the information that was currently available that the capacity to maintain plan checking times was diminishing with response times slipping from an average of 7 to 10 days for April and May.

While not critical at the current time, the figures represented the significant efforts staff were currently making with limited resources and it should be noted this level of performance in the allocated time could not be realistically expected to continue. Also this period was prior to validation training commencing and the spike in applications being received. Therefore it was anticipated the response time would slip further as a direct result of the resource shortage within the service structure, the validation training requirements, holiday cover, as well as the spike in workload due to the applications received that were taking advantage of the transitional arrangements for the changes in the Building Regulations. Clearly if this anticipated trend in reduced performance continued it was likely to have a detrimental effect on the market share and income.

The graphs for the remaining activity reports for April and May were attached as an appendix to the report, they indicated a strong performance in relation to number of applications received and income for the first two months of this quarter. Whilst encouraging, the high volume of activity around applications only compounds the current difficulties faced with the current resourcing issues. It was anticipated the final application numbers and income figures for June 2022 were going to very strong. This was because the date for depositing applications to take advantage of transitional provisions to the changes in the building regulations was 15th June 2022.

He explained that 424 applications had been received in the first quarter, which had a positive impact upon the finances. However, the trend for application response times was now slipping due to the increased workload and lack of resources to deliver the service.

Given the current vacant posts and increased volumes of work, individual work load remained high. In addition, the validation training had commenced and the service was now approaching the holiday session. With increased demand for the service, covering colleagues whilst they study and or were away on annual leave with a reduced workforce was becoming increasingly difficult to achieve. This was now having a significant impact on the ability to deliver the service and those pressures were directly impacting on the ability to quote for work, undertake site inspections and plan examination at the appropriate time. As reported at the last Committee Meeting, the 15th June 2022 was the deadline for submitting applications to take advantage of the transitional provisions for the changes in the Building Regulations. As anticipated, the service had received a significant volume of applications in the first two week of June 2022. The Technical Support Staff reported receiving and processing payments for 60 applications in two working weeks. The income from the deposit of these applications was in the region of 80K. At the time of writing the

report the volume of work was hard to explain and quantify as the figures weren't quite as representative of the situation and would not be until the end of June. Once at the end of June officers would have a complete picture that really showed the volume increase and strain on the team that was still to come. The Technical Support staff would now be under pressure to process the applications and put the application documentation on the system in a timely manner. This process was time path critical so that the Surveying staff could undertake planned examination on the applications in the required time frame to avoid having to return fees and default approve applications if they were not processed in the correct time scales.

He added that resourcing issues continued to impact the service. The vacant Building Control Managers post had not yet been re-advertised. The delay in this appointment continued to place significant pressure on the remaining members of the building control management team and in turn the rest of the team. Additional 20 hour Technical Support Staff had not been re-advertised and it was anticipated this post would be reviewed again once the new Building Control Manager was in post. Having completed their notice period a member of staff had now left the Partnership. The vacant Principal Surveyors post had been vacated had yet to be advertised. The Senior Surveyor who returned from long term absence had been signed off again.

The Building Control trainee with the support of North Devon Council Human Resources was in the process of applying for a place on the distance learning Building Control Surveying Degree at Wolverhampton University. This training and qualification would be funded by the training levy. Morale remained very low amongst staff and this continued to relate to the uncertainty around vacant posts being advertised, lack of structure, additional workload and the pressure the validation training was having on individuals and the wider team.

Short term measures were being introduced to try and alleviate the pressure on the existing workforce. Senior Management from both authorities had just agreed to the use of temporary contractor Building Control Surveyors to provide some of the cover required. With £74K being made available to provide cover for the validation training. There were plans to seek two agency surveyors to provide cover for the summer and autumn months. The vacant leadership gaps left by the departing Manager and Principle Surveyor had left the Partnership vulnerable. There continued to be a lack of formal recognised structure and lines of responsibility. Discussions were continuing with regard to formalising a temporary structure so that individuals remained adequately supported and work load was monitored sufficiently.

In light of the lack of a formal temporary structure discussions were continuing with regard to honorarium payments being provided in recognition of five team members who had had to temporarily to step up in an adhoc manner. In addition, discussions were continuing with regard resourcing the spike in workload due to the regulation changes and how best to re-numerate staff for the additional hours they were working beyond the core 37 hours.

Due to the current situation with the partnership and local market conditions, surveying staff were being attracted to offers from other LA Building Control Teams in the South West, where salaries and conditions were more favourable. Adjoining Local Authority Building Control Authorities were offering better basic pay, terms and

conditions, a £3K market supplement and the promise of a pay review. Surveyors were also being directly approached by a local branch of an Approved Inspector looking to fill their vacant post as the vacant Managers post at Torridge had been filled by one of their employees.

The revisions to the building regulations were now in place and applications received after the 15th June 2022 would be required to comply with the revised Approved Documents F and L and the newly introduced Approved Documents O and S for Overheating and Electric car charging points. The new thermal standards were onerous and represent a 20-30 percent uplift on the 2013 requirements.

Following the update, the Joint Committee discussed the following:

- There was frustration at the lack of ability by the partnership to recruit employees.
- Questioned why there had been such difficulty in recruiting a candidate to the Building Control Manager's post, which had been vacant since 1st April 2022.
- Acknowledged the issues faced with being unable to attract candidates at the current salaries advertised.
- The aspiration to set up a management company for the partnership and the progress that had been made with that proposition.

In response to the questions raised, the Director of Place, Mid Devon District Council advised that the partnership had been unsuccessful in its recruitment of a Building Control Manager due to the salary that was offered, as the partnership was unable to offer a competitive wage on the open market. In light of this contact had been made with South West Councils to ask them to regrade the post and benchmark against other local authorities. The service was currently awaiting a response and would then re-advertise the post.

He added that work was progressing in relation to the proposal to set up a management company. However, the current workload and lack of resources within the service had hampered the progression of the proposal at the current time.

The Chair addressed the Joint Committee and expressed his serious concerns with regards to the resources issue within the service and requested that officers from North Devon and Mid Devon District Council report back to the Committee by 15th August 2022 to begin the process of establishing a management company.

The Director of Place, Mid Devon District Council advised that a date nearer the end of August would be more realistic to allow officers from both authorities to meet and discuss a way forward.

The Chair acknowledged the request but added that he would prefer to stick to a deadline of 15th August 2022.

He added that he did not want the joint arrangement to fail and there was an urgency to proceed with plans to ensure that the service was brought back to standard.

The Vice Chair added that the partnership was in a very serious position with resource issues and increased workloads on both sides and that it was important that those issues were addressed.

RESOLVED, that the Chair liaise with the Head of Planning, Housing and Health, North Devon Council and the Director of Place, Mid Devon District Council to agree a suitable timeline to ensure that the correct time scales for a final decision in relation to the establishment of a management company were met.

14. **DATES AND LOCATIONS OF FUTURE MEETINGS. TO AGREE
DATES AND LOCATIONS OF FUTURE MEETINGS OF THE
COMMITTEE FOR 2022/23.**

The Joint Committee noted the scheduled dates of the meetings for 2022/23, which were scheduled to be held on the following dates:

- Thursday 10th November 2022 at 9.30am.
- Thursday 16th February 2023 at 9.30am.

In response to a question regarding whether the meeting dates were scheduled to ensure that financial information would be available, the Corporate and Community Services Officer advised that the dates for 2023/24 would be discussed and agreed with the accountants.

Chair

The meeting ended at 10.00 am

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2022/23 Building Control Partnership Trading Account August

	1		2			3		4		5	
	2022/23 BUDGET		2022/23 FORECASTED OUTTURN					NDC 2022/23		MDDC 2022/23	
	NDC	MDDC	NDC	MDDC	Total	NDC	MDDC	Chargeable	Non Chargeable	Chargeable	Non Chargeable
	£	£	£	£	£	61.85% £	38.15% £	75% £	25% £	75% £	25% £
Expenditure											
Employees	398,660	168,540	448,725	245,750	694,475	429,540	264,935	322,155	107,385	198,701	66,234
Transport	23,450	11,500	16,750	9,380	26,130	16,162	9,968	12,121	4,040	7,476	2,492
Supplies and Services	14,410	10,860	14,410	14,872	29,282	18,111	11,171	13,583	4,528	8,378	2,793
Third Party Payments	0	0	0	0	0	0	0	0	0	0	0
Central & Support Service charges	78,620	50,160	78,620	50,160	128,780	79,652	49,128	59,739	19,913	36,846	12,282
Total Expenditure	515,140	241,060	558,505	320,162	878,667	543,465	335,202	407,599	135,866	251,402	83,801
Income											
Building Regulation Charges	-375,910	-252,350	-351,976	-217,094	-569,070	-351,976	-217,094	-351,976		-217,094	
Misc Income/S106 Receipts		0	-1,500		-1,500	-928	-572	-928		-572	
Total Income	-375,910	-252,350	-353,476	-217,094	-570,570	-352,903	-217,666	-352,903	0	-217,666	0
(Surplus)/Deficit for Year	139,230	-11,290	205,030	103,068	308,097	190,562	117,536	54,695	135,866	33,735	83,801

% income split

61.85%

38.15%

308,097

190,562

117,536

Total Actual Variance To Budget Spend 180,157

Appropriation Profit/Loss

Cash require to pay over from MDDC to NDC

14,468

Debtor to be raised by NDC to MDDC

-14,468

0

MEMO for Tony

Reconciliation - 12 month position compared to budget		
	NDC	MDDC
Base budget excluding transfer between authority	139,230.00	-11,290.00
Budgeted contribution between each authority	-78,640.00	78,640.00
Bottom line for comparison	60,590.00	67,350.00
12 Month Actual from above	190,561.51	117,535.94
	-14,467.99	14,467.99
12 Month Deficit / (Surplus) compared to budget	115,503.52	64,653.93

New line added 14/9/22

180,157.45

NOTE: Reserve contributions to fund deficit not included in calculations

North Devon 50065

Mid Devon 48000

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NOTE TO: JOINT SERVICES COMMITTEE
DATE: 06/11/2022
TOPIC: BUILDING CONTROL BUSINESS UPDATE
REPORT BY: ANDY HOWARD

WRITTEN 22/10/2022

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 & Market Share

The KPI activity reports show a strong Q1 and this is demonstrated by the volume of applications and also the income that will be reported on by finance.

The spike in application volume was anticipated and is due to the June 15th deadline for depositing applications to take advantage of the transitional provisions to the changes in the building regulations.

Key Performance indicators									
KPI	Year	2021/22				2022/23			
	Target	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Building Regulation Full Plan applications determined in 2 months	95%	100%	98%	98%	100%	100%	100%*		
Building Regulation Applications examined within 3 weeks	95%	90%	98%	99%	96%	81%	41%*		
Average time to first response (Days)	10	8.5	7.5	8	7	12	13*		
Market Share - Number of applications %	75%	77%	80%	84%	79%	75%	76%		
Market Share - New Housing Completions %	40%	47%	39%	42%	35%	39%	40%		
Financial Position	Breakeven	51,929	81,775	102,703	144,531	TBA	TBA		
Number of applications received	N/A	379	322	295	362	424	252		

Astrix * – Figures displayed do not include September.

Q2 has seen application numbers and income drop off sharply.

Overall market share has dropped in Q1 to 75%, but as the table above shows, this appears to have stabilised and improved slightly to 76% by the end of Q2.

Market share in the housing sector recovered in Q1 to 39% and appears to have stabilised to 40% at the end of Q2.

Difficulties with resourcing are clearly having an impact on our ability to respond and function.

The figures in the table marked with an astrix do not include the figures for September. Since the Technical Support Team Leader departed we have been unable to access information from the system to populate the report.

Based on the figures available and we have seen our response times lengthen as are resources have come under further pressure. Q1 shows an increase to 12 days to our first response and Q2 shows this slipping further to 13 days for the first two months of the second quarter.

All decisions have been made within two months, so our statutory obligations have been met, but applications examined within three weeks has suffered and for the first two months of the Q2 has dropped to 41%.

While our current market share remains strong, the current trend in lengthening response times will eventually have a negative impact on the volume of work the Partnership attracts and the income it receives.

2.2 Workload

In summary, the first six months of this financial year have been a tale of two halves.

As previously reported, the change to the Building Regulations and the deadline for submission in June explain the front loading of the income and application volume.

It is likely the reduced numbers submitted in Q2 have been as a direct result of applications being submitted earlier than they would have been without the change/deadline.

But given the uncertainty surrounding the economy it would be unwise to assume the drop in numbers is solely due to the front loading of applications as a result of the regulation changes and the deadline.

Reflecting on our historic data and in particular application figures since the Partnership formed, Table 1 below indicates we are about where we anticipated we should be for the midway point of the financial year in terms of application volume.

Table 1 - Applications Received

<u>Q1</u>		<u>Q2</u>		<u>End Q2</u>	
2018	339	2018	334	2018	673
2019	347	2019	348	2019	695
2020	237	2020	356	2020	593
2021	379	2021	322	2021	701
2022	424	2022	252	2022	676
<u>Average 345</u>		<u>Average 322</u>		<u>Average 66</u>	

2.3 Financial Position

To be reported by finance on Q1 & Q2 but it is anticipated the income figures will be indicative of the spike in volume of work in Q1 and the dropping off in volume in Q2.

It is anticipated the trading account figures will show income to be where it was expected to be at the end of Q2.

2.4 Staffing & Vacant Posts

Since the last Committee meeting a further four employees have either resigned or are no longer employed by the Partnership.

The additional departures are two Senior Building Control Surveyors, a Building Control Surveyor and the Technical Support Team Leader.

In summary since September 2022, the Partnership has seen the following departures;

Building Control Surveyor	Retired
Building Control Manager	Retired
Principal Building Control Surveyor	Moved to Private Sector BC
Building Control Surveyor	Moved to Adjoining LABC
Senior Building Control Surveyor	Moved to Private Sector BC
Building Control Surveyor	Moved to Private Sector BC
Tech Team Leader	Moved to Non BC employment
Senior Surveyor	Contract ended due to ill health

The vacant Building Control Managers post has been re-advertised at an enhanced rate in August but failed to attract a single candidate to interview.

Negotiations are underway for the Managers and Principal Surveyors post to be advertised with the assistance of a Head Hunting Recruitment Agency.

The Technical Team Leaders post has been appointed to and filled internally by one of the Assistant Technical Officers. This will require a further Assistant Technical Officers post to be advertised to backfill the void this process has left.

The additional 20 hour Technical Support Staff has not been re-advertised.

The remaining Surveying posts are to be advertised shortly and are likely to require significant market supplements to be competitive in the market place.

2.5 Market Forces & Economic Pressure

It is clear market forces and the Partnership's lack of agility to be able to compete in the recruitment of a Manager has led to a number of the Building Control Team seeking and being tempted by opportunities elsewhere.

It is apparent staff have been attracted to significantly improved offers of employment for similar roles with less responsibility in the local private and public sector.

The rise in the cost of living has also had an impact on employees seeking to improve their personal financial position.

2.6 Resourcing Issues- Risks to the Business

- The resignation of the Principal and a Senior Officer to a local branch of a Private Building Control Body based in Exeter presents a risk to our business. In particular, with the Senior Officer being appointed to a role as a Barnstaple based Surveyor.
- The loss of so many employees represents a significant risk to NMD's reputation and our customer's perception of our service and our ability to deliver it.
- The use of agency staff is expensive and will not be perceived well by our customers as they seek continuity, prefer to deal with familiar professionals and desire a consistent approach.
- Potential loss of further professional Surveying Staff & Technical staff will render the Partnership unworkable and unable to function.

2.7 Short Term Measures, Structure, Recruitment & Retention

Since July we have employed two agency Surveyors who have provided some relief to employed team, however, using temporary contractors is not sustainable due to the cost.

Our clients will also not tolerate the prolonged use of agency Surveyors.

Funding has been granted to employ a further two agency Surveyors.

The service of a further surveyor have been secured on he started with us 17th October 2022.

The agency market is also challenging and Surveyors are in short supply and we are still searching for a further agency Surveyor.

We are therefore continuing to function at an under resourced capacity of three surveying staff and two technical positions.

The funding for the agency provision will last until the middle of January 2023.

2.8 Market Supplements & Charging Review

Market supplements are currently being considered.

These are essential to retain and to attract new staff.

This process is being undertaken directly in line with a review of our charges.

2.9 Building Safety Regulator

- Validation training continues for the three remaining employed Surveyors.
- Our Principal and Acting up Principal have completed the first half of the training with one having completed the Level 6 Fire Safety Course and the other having completed the Level 6 Legislative Competence Course.
- Both Surveyors are awaiting results.
- The two Surveyors have already switched courses with a view to both having achieved Level 6 in Fire Safety and Legislative competence by the end of January 2023, with final results being published by the end of March 2023.
- The demands of this process remain high with each cohort being required to attend lectures for 11 weeks with one full days training on a working week day.
- Each cohort requires 200 hours learning time within the 11 week period with a deadline assignment set at the end of each Cohort.
- The remaining employed Building Surveyor is continuing with his Level 5 qualification and the demands of this course are similar to those set out above for Level 6.

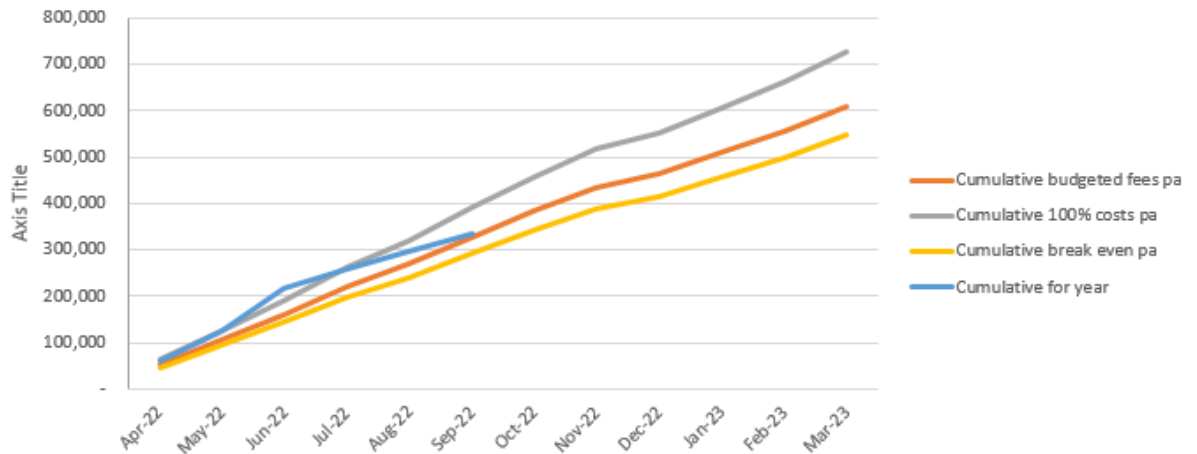
Agenda Item 7

- The Building Control trainee has been accepted by Wolverhampton University and will commence his Level 5/6 Building Control qualification.
- This training and qualification will be funded by the training lelee and will commence in January 2023.

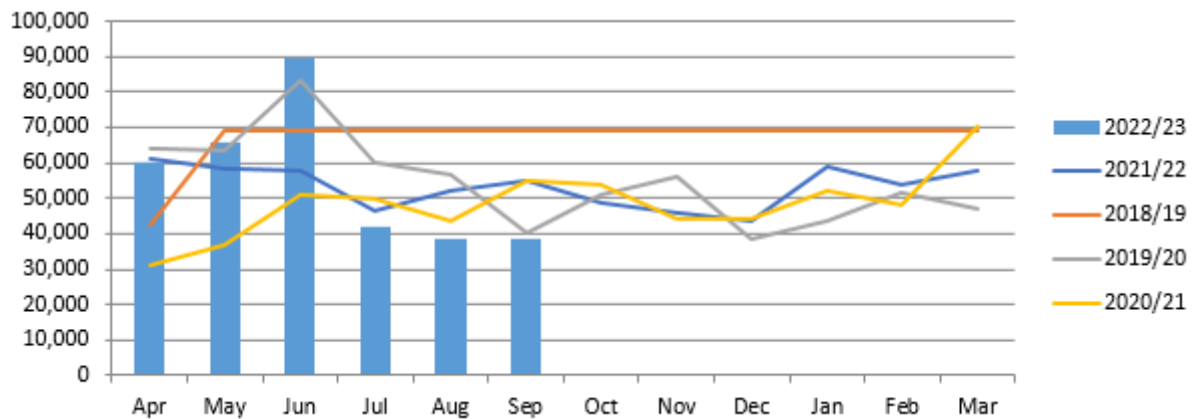
Activity Reports

Appendix Page 1

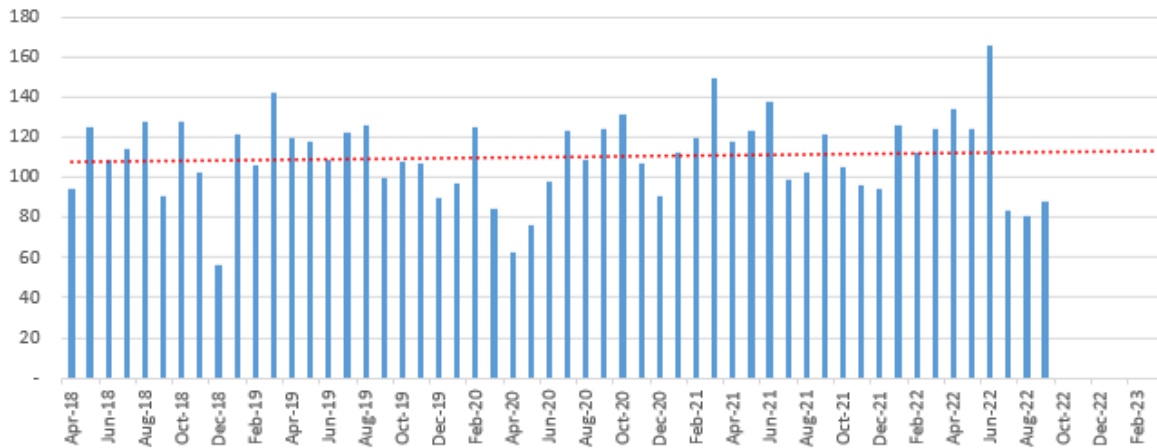
Cumulative Income



Income Per Month

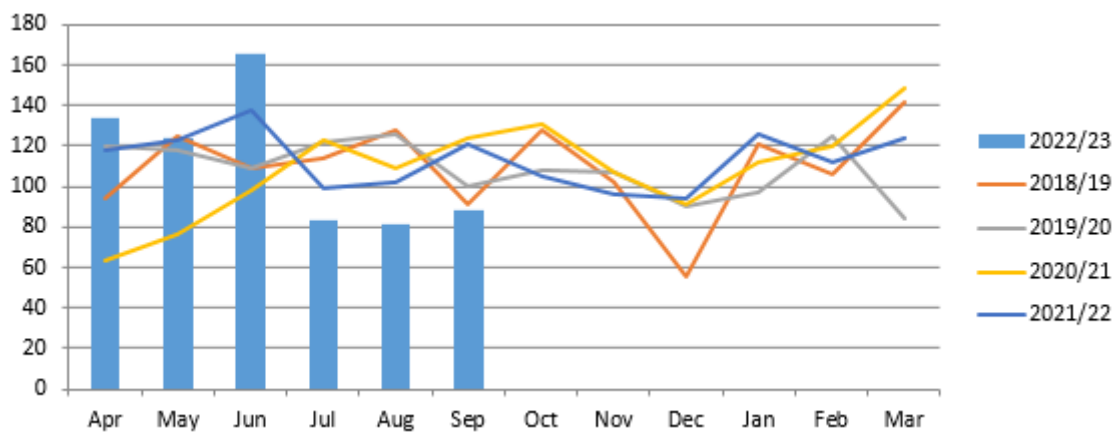


Total Applications



Applications Per Month

Appendix Page 2



End