



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, 26TH OCTOBER, 2023 at 10.00 am.**

(NOTE: A location plan for the Brynsworthy Environment Centre is attached to the agenda front pages. There are limited car parking spaces in the Visitors parking area. If no spaces are available, please find an alternative space. Please ensure that you enter your name and car registration details in the book in front of the entrance door)

Members of the
Committee:

Representing North Devon Council

Councillors Denton and Walker (Chair)

Representing Mid Devon District Council

Councillors Keable (Vice-Chair) and Clist

AGENDA

1. Apologies for absence.
2. To approve as a correct record the minutes of the meeting held on 10th August 2023 (attached). (Pages 7 - 10).
3. Items brought forward which in the opinion of the Chair should be considered as a matter of urgency.
4. 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. A declaration of interest under the Code of Conduct will be a Disclosable Pecuniary Interest, an Other Registrable Interest or a Non-Registrable Interest. If the item directly relates to your interest you must declare the interest and leave the room for the item, save in the case of Other Registrable Interests or Non-Registrable Interests where you may first speak on the item as a member of the public if provision has been made for the public to speak. If the matter does not directly relate to your interest but still affects it then you must consider whether you are affected to a greater extent than most people and whether a reasonable person would consider your judgement to be clouded, if you are then you must leave the room for the item (although you may speak as a member of the public if provision has been made for the public to speak) or, if you are not, then you can declare the interest but still take part).

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

PART 'A'

6. **2023/24 Building Control Partnership trading account for quarter 2. Report by North Devon Council Accountancy Services Manager.** (Pages 11 - 12).
7. **Building Control Business Update. Report by Building Control Manager (attached).** (Pages 13 - 22).
8. **Dates and locations of future meetings. To agree dates and locations of future meetings of the Committee for 2023/24.**
 - Thursday 25th January 2024 at 10:00am in the Barum room, Brynsworthy Environment Centre.

(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 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 Brynsworth, the full address is:
Brynsworth 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 dial 8253 for Corporate and Community Services.



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NORTH DEVON COUNCIL

Minutes of a meeting of Building Control Joint Committee held at Barum Room - Brynsworthy on Thursday, 10th August, 2023 at 10.00 am

PRESENT: Members:

Councillor

Councillors Clist, Denton, Keable and Walker

Officers:

Head of Planning, Housing and Health, Director of Place, Building Control Manager and Finance Manager

Also Present (virtually): Accountant

1. APPOINTMENT OF CHAIR FOR 2023/24.

RESOLVED that Councillor Walker be appointed Chair of the Joint Committee for a period of one year from date of appointment.

Councillor Walker took the Chair.

2. APPOINTMENT OF VICE CHAIR FOR 2023/24.

RESOLVED that Councillor Keable be appointed Vice Chair for a period of one year from date of appointment.

3. APOLOGIES FOR ABSENCE

There were no apologies for absence.

4. TO APPROVE AS CORRECT RECORDS THE MINUTES OF THE MEETING HELD ON 10TH NOVEMBER 2022 AND 16TH FEBRUARY 2023 (ATTACHED)

RESOLVED, that the minutes of the meetings held on 10th November 2022 and 16th February 2023 (circulated previously) be noted, subject to the following amendments to the minutes of 10th November 2022; reference to "Andy Howard's job title being amended to Building Control Manager and the title of minute item 18 being amended to "2022/23 Building Control Partnership Trading Account Quarter 2". The minutes could not be approved as correct, or signed, as those Members present at the two previous meetings were no longer members of this committee, nor District Councillors.

5. **DECLARATIONS OF INTEREST**

There were no declarations of interest announced.

6. **2023/23 BUILDING CONTROL PARTNERSHIP TRADING ACCOUNT FOR QUARTER 1. REPORT BY NORTH DEVON COUNCIL ACCOUNTANCY SERVICES MANAGER.**

The Joint Committee considered a report by the Finance Manager (NDC) (circulated previously) regarding the 2023/24 Q2 Forecast Building Control Partnership Trading Account.

The Finance Manager gave the Committee the following summary:

- Section one of the trading account showed the yearly budget for each Council.
- Section two showed the Forecasted Outturn for the year.
- Section three showed the percentage split of trade income between the two authorities, as per the agreement the joint expenditure is also split on the same basis, with the trading position for North Devon at 63.77% for North Devon Council and 36.23% for Mid Devon District Council.

In response to questions from the Joint Committee, the Building Control Manager (MDDC) advised that:

- The main reason for the reduction in income was the reduction in activity in the market place. NDC had experienced slightly less of a reduction than MDDC. The economic market was not there. The Authorities were not losing out to competitors.
- Until there had been changes in the Building Safety Act, the Local Authorities (LA) were unable to benefit from a 'level playing field' with competitors in the commercial sector. The private/commercial still did not have the same regulations to adhere to; they were able to rely on photographic evidence, rather than the site visits legal required of the LAs. This would change from April 2024, when it should be a more level playing field.

The Committee noted the report.

7. **BUILDING CONTROL BUSINESS UPDATE. REPORT BY THE PRINCIPAL SURVEYOR (ATTACHED).**

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

He advised that since the last Joint Committee meeting, the Activity Reports had been updated to include figures for quarters 3 and 4 of 2022/23 together with quarter 1 of 2023/24.

He outlined the main areas of the report, which were under the following headings:

- Key Performance Indicators 2022/23 and 2023/24
- Resource Implications
- Agency Staff and Temporary Resource
- Building Control Charges
- Building Safety Regulator Validation and Registration
- Partnership Priorities

He confirmed the following to the committee:

- A processing time of 10 days was being achieved; against a target of 19 days.
- Market share was stable at 72% (quarter 1 of 2023/24).
- Market activity was slowing – reasons for this included interest rates, cost of living, and financial insecurity.
- Six posts were still vacant. Cover was being provided by agency staff.
- Two offers of employment were shortly to be made to two new Principal Surveyors. A post for support/admin staff would be advertised shortly.
- With regard to enforcement, changes to section 36 of the Building Safety Act would increase the time scale for Building Control Authorities to consider taking enforcement action from two to ten years. This will take effect from April 2024. This was likely to add burden to the authority due to the increased pressure on the workload, and enforcement works were not chargeable.
- Priorities included the need to get an agile partnership established to be more adaptable to workloads as applications increase.

In response to questions from the Joint Committee, the Building Control Manager advised that;

- Fines could be issued but those fines would not cover costs.
- The authorities did not have the resources available to cover the additional work.
- The Building Regulator had the ultimate power to deal with sanctions, although would likely see to cascade the processing of that work to the LAs.

The Director of Place (MDDC) advised that the additional work for the surveyors was non-chargeable – so would not result in additional income.

Councillor Denton noted that he felt that if developers were aware of the pressures on the LAs, in respect of enforcement, they could take advantage.

The Committee noted the report.

8. **DATES AND LOCATIONS OF FUTURE MEETINGS. TO AGREE DATES AND LOCATIONS OF FUTURE MEETINGS OF THE COMMITTEE FOR 2023/24.**

The Joint Committee agreed the dates of the meetings for 2023/24, which were scheduled to be held on the following:

Agenda Item 2

Building Control Joint Committee - 10 August 2023

- Thursday 26th October 2023 at 10:00am in the Barum room, Brynsworthy Environment Centre.
- Thursday 25th January 2024 at 10:00am in the Barum room, Brynsworthy Environment Centre.

RESOLVED, that the dates for future meetings be noted.

Chair

The meeting ended at 10.30 am

2023/24 Building Control Partnership Trading Account Qtr 2

	1		2			3		4		5	
	2023/24 BUDGET		2023/24 FORECASTED OUTTURN					NDC 2023/24		MDDC 2023/24	
	NDC	MDDC	NDC	MDDC	Total	NDC	MDDC	Chargeable	Non Chargeable	Chargeable	Non Chargeable
	£	£	£	£	£	66.75% £	33.25% £	75% £	25% £	75% £	25% £
Expenditure											
Employees	401,510	225,003	373,059	177,558	550,617	367,557	183,060	275,668	91,888	137,295	45,765
Transport	22,480	11,500	14,500	8,000	22,500	15,020	7,480	11,265	3,755	5,610	1,870
Supplies and Services	9,400	14,420	9,600	17,440	27,040	18,050	8,990	13,538	4,513	6,742	2,247
Third Party Payments	0	0	0	0	0	0	0	0	0	0	0
Central & Support Service charges	86,170	58,540	86,170	58,540	144,710	96,599	48,111	72,449	24,150	36,083	12,028
Total Expenditure	519,560	309,463	483,329	261,538	744,867	497,226	247,641	372,920	124,306	185,730	61,910
Income											
Building Regulation Charges	-397,870	-266,328	-351,473	-175,049	-526,522	-351,473	-175,049	-351,473		-175,049	
Misc Income/S106 Receipts					0	0	0	0		0	
Total Income	-397,870	-266,328	-351,473	-175,049	-526,522	-351,473	-175,049	-351,473	0	-175,049	0
(Surplus)/Deficit for Year	121,690	43,135	131,856	86,489	218,345	145,752	72,592	21,447	124,306	10,681	61,910
	% income split		66.75%	33.25%				218,344	145,752		72,592
Total Actual Variance To Budget Spend					53,520						

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Appropriation Profit/Loss

Cash require to pay over from MDDC to NDC

-13,897 ND to pay MD

Debtor to be raised by NDC to MDDC

13,897

-0

MEMO for Tony

Reconciliation - 12 month position compared to budget		
	NDC	MDDC
Base budget excluding transfer between authority	121,690.00	43,135.00
Budgeted contribution between each authority	-23,430.00	23,430.00
Bottom line for comparison	98,260.00	66,565.00
12 Month Actual from above	145,752.40	72,591.60
12 Month Deficit / (Surplus) compared to budgete	47,492.40	6,026.60

53,519.00

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Building Control Joint Service Committee

Report Date: 01.10.2023

Report By: Andy Howard

Introduction

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

Report

Since the last Joint Committee Meeting the Activity Reports have been updated to include figures for Q2 2023/24.

The data from 2022/23 below has been included to provide a comparison and help demonstrate the current trend for the figures for 2023/24 on the following page.

Key Performance Indicators 2022/2023

KPI	KPI	Q1	Q2	Q3	Q4
Building Regulation Full Plan applications determined in 2 months	95%	100%	95%	96%	94%
Building Regulation Applications examined within 3 weeks	95%	81%	85%	79%	88%
Average time to first response (Days)	10	12	16	16	18
Market Share - Number of applications %	75%	75%	76%	72%	70%
Market Share - New Housing Completions %	40%	39%	40%	83%	40%
Financial Position	Breakeven	-	-180,157	-104,379	-68,843
Number of applications received	N/A	424	251	225	247



Key Performance Indicators 2023/2024

KPI	KPI	Q1	Q2	Q3	Q4
Building Regulation Full Plan applications determined in 2 months	95%	94%	98%		
Building Regulation Applications examined within 3 weeks	95%	75%	93%		
Average time to first response (Days)	10	19	18		
Market Share - Number of applications %	75%	72%	70%		
Market Share - New Housing Completions %	40%	49%	16%		
Financial Position	Breakeven	-66,396	TBA		
Number of applications received	N/A	253	245		

The table above shows performance in relation to decisions within two months at 98% (target 95%), plan examination response times with applications being examined within 3 weeks at 93% (target 95%) and average time to first response 18 days (target 10 days).

We continue to trade with only one part-time Building Control Technical Support Team Member. The improvements to the processing times through to decision making, are an indication the additional support we have received from the Mid Devon Planning Technical Team, through July and August, has made a difference to our ability to deliver the service, but we still have some way to go to be able to achieve our target in relation to first response time.



The first two KPI's show reasonable improvement on the first quarter figures and on the third KPI just a slight improvement.

General market share is reported at 70% in Q2 2022/23 and appears to have continued to stabilise at this time, with the last three quarters reporting an average of approximately 71% share.

The number of applications are on a par with numbers received in Q2 in the last financial year.

However, total application numbers are at significantly lower level than the total number received by the end of Q2 in previous years.

Total Application Numbers Comparison at the End of Q2

2023/24	498 Applications	
2022/23	594 Applications	(includes spike due to regulation changes)
2021/22	701 Applications	
2020/21	593 Applications	(Pandemic)
2019/20	695 Applications	
2018/19	661 Applications	

While these figures show there is a trend which indicates a continued slowing down in general activity, our market share appears to remain relatively consistent.

The application numbers continue to reflect the general economic climate, and show interest rates and inflation are impacting on activity across the construction sector, rather than suggesting the Approved Inspectors are taking up our work while we struggle to provide a service due to our resourcing issues.

The overall financial position is to be advised by finance but income remains at much lower levels than previous years. This is reflected in the reduced number of applications and that the work streams in those applications received are for smaller projects which sit in the small charging categories.

The reason for the low 16% Housing Market Share is a reflection of a backlog of completions submitted by Approved Inspectors which have not been captured by the reporting system in the last quarter, due to our resourcing difficulties and our Technical Support Team member having to prioritise other work streams. It is anticipated this figure will return to nearer 40% mark in Q3.



Resource Implications

As reported previously, the current resourcing issues continue to damage the Partnerships ability to function, its reputation and its ability to maximise income.

The Partnership continues to employ expensive agency surveying staff, with our two agency positions being extended for a further three month period up to the end of December 2023.

Agency costs are likely to spiral in the New Year once validation and registration are a requirement, as the pool of agency workers is likely to diminish and hourly rates be driven upwards by demand.

At the time of writing the Partnership continues to trade with six vacant permanent posts.

The current 10% Market Supplement is coming up for review and will need to be maintained to help to retain and continue to protect the Partnership through the coming months where it is anticipated, once registered with the Building Safety Regulatory, Approved Inspectors are likely to target qualified surveyors to build their own teams up to target the labour intensive domestic market.

Since the last meeting we have had some recruitment success to report with the vacant North Devon Principal Surveyors role being appointed with an internal candidate.

This does now leave a vacant Senior Surveyors role, along with the vacant North Devon Trainee post in the North Devon Team, which will require a business case to be drawn up by the outgoing North Devon Director, before either may be considered for advertisement.

The appointment of the North Devon Principal improves the governance of the Partnership in the North Team and we can begin to consider maintaining, monitoring and auditing the Quality Management System.

At the time of writing the Mid Devon Principal Surveyors role remains under a conditional offer and is awaiting the outcome of a validation process with the LABC validation team.

The success in recruitment to this role is pivotal to our governance of the Mid Devon Team and our progression away from reliance on agency staff and our ability to consider recruitment of graduates or mature entrants to the vacant posts in roles at the lower end of the pay scale.



We have recently completed a successful recruitment round for our vacant Technical Support Team Posts (with our current employee stepping aside into an Assistants role) we have been able to advertise and recruit to the Team Leader role (full-time) and a second Assistant position (24 hours).

Offers have been sent out and it is hoped the two new team members will be in post by 6 November 2023. Our current experienced employee has agreed to stay in post to support and train our new recruits before retiring in the late spring 2024.

In July and August our Technical Team capability received a significant lift with temporary support provided by one of the North Devon Planning Apprentices and the Mid Devon Planning Support Team.

Unfortunately, due to other work commitments the support was lost at the end of August from both North and Mid Devon Planning. As a result our processing times have suffered in the final month of the quarter and there are once again backlogs in application processing, our general record keeping and our ability to answer the phone.

In the last week, Mid Devon Planning Support have been able to provide us with support from a team member 2 days a week which will assist with the backlog until the new recruits arrive, are trained and are operational.

Building Safety Act 2022 - 1st October 2023 - Changes

Prior to 1st October, owners of buildings in scope, (those buildings that are more than 18 metres in height and contain two or more residential units) were legally required to register those buildings with the Building Safety Regulator.

From 1st October 2023 any work carried out to an in scope building can only be undertaken with a Building Regulation application being submitted to the Building Safety Regulator.

Once the application is received, the BSR will appoint a suitable LABC Building Control Body to oversee the plan check and site inspection.

Current understanding of the legislation is that Approved Inspectors will not be permitted to undertake this work.

It is therefore likely Approved Inspectors will now shift their focus and target the out of scope work, which is likely to lead to a significant increase in competition for the Partnership and may lead to a reduction in our market share for the domestic and low rise commercial work.



The 1st October 2023 changes also lay the ground for new duties and responsibilities for owners who are undertaking work to any building they own whether it's in scope or not.

The changes place duty for the owner to sign a declaration to ensure they appoint a competent designer and contractor for the work they are undertaking.

The changes also place a duty on the appointed designer and contractor to be responsible for their design and or work and they too are required to sign a declaration to demonstrate their work complies with the building regulations.

The changes also introduce the additional enforcement powers for local authorities enabling Compliance and Stop Notices to be issued for work that is not compliant with the Building Regulations.

Stop Notices are intended for the more serious contraventions that are considered to be life threatening and generally related to structural deficiencies or breaches of the fire regulations.

Compliance Notices will be for everything else that's not life threatening.

Finally, the changes also increase the time period for local authorities to consider enforcement action. Extending the previous two year limit to 10 years.

It is thought these changes to the enforcement powers are likely to lead to increased workloads in the area of enforcement, which is a non-chargeable element of our work.

The changes to the enforcement powers are therefore likely to lead to an upward pressure on the cost of the service to the public purse.

Validation Process

The current five permanent surveying team members are currently at various stages of the validation process with the LABC, which for this validation cycle is free to full time LABC employees.

The current position is that; one has completed the assessment process and has received confirmation to be able to sit the B/C exams; one has been waiting 7 weeks on confirmation of the outcome of the process; one has been advised to re-apply in 4 months once he has 12 months experience in BC; one has just submitted; and the other is about to submit.

Once surveyors have been through the initial validation assessment process, which requires a twenty page application form and submission of 5-8 projects as a portfolio of their work, they are then advised of the band or bands for which they can then book an exam date for at their assessed level of competence.



Band A is a three hour exam.
(Housing and domestic work)

Band B is a three hour exam.
(Band A and low rise commercial)

Band C sits the Band B exam in the morning and a further 3 hour exam in the afternoon.
(No restrictions)

Once Surveyors have passed the exam they can then apply to the BSR to register at the competence level they have demonstrated they can operate.

Where surveyors do not achieve a registration band they will not be able to perform restricted functions such as plan checking or site inspection without being under supervision of a Registered Surveyor at that competence band.

The supervising Surveyor will then take full responsibility for that work and face sanctions if works are found to be defective through complaints or a BSR audit process.

The Building Control Manager has just commenced a Level 6 Course in Building Control Management.

Building Safety Regulator Registration

The Building Safety Regulator will require the Partnership to have sufficient numbers of appropriate Registered Surveyors in place to perform restricted functions which include plan examination and site inspection of building work within the districts.

The Building Safety Regulator Register opens on the 5th October which will allow Building Control Surveyors to register their competence once they have proven it through one of the validation processes.

In a recent release the BSR has announced its registration charges which are as follows:

Initial registration for a four year cycle is £336 and then £216 per year per surveyor for monitoring between four year renewal cycles.

This confirms the previously reported additional costs the Partnership will need to account for this year and also budget for in future years.



BSR Operational Standards

As reported previously the Building Safety Regulator will require the Partnership to demonstrate its operations are in line with new Operating Standards and report on performance on a quarterly and annual basis.

This will require the Partnership to report performance in approximately fifty areas of the Partnership's work or functions.

There is work required to the back office operations to be ready for these new standards but at this time we do not have the capacity or expertise in house to start these preparations.

We are currently engaging with the South West Group to agree a consistent approach to the requirements and have already agreed there will need to be changes to our application forms, acknowledgement letters and completion procedures to capture the duty holder changes that have recently been introduced.

The South West Group have advised Idox is working on an update which will allow Uniform (our data base package) to accommodate the BSR requirements so in the coming weeks we will be discussing this and its implementation with Mid Devon IT and our Idox account manager.

In addition, when we have our new Technical Support Team members in post, we will be consulting Mid Devon Planning Support to tap into their expertise in extracting the information from Uniform that we will require.

A preliminary meeting has been pencilled in for early November with an exact date still to be booked.

Once we know the limitations of their expertise we may need to consider employing an external consultant or seek support from an adjoining authority to assist us with what remains of this significant task.

Partnership Priorities

The Partnership needs to remain competitive in the employment market to ensure recruitment and retention and have sufficient staff to be ready for the market upturn.

Continue to prepare Surveyors for the validation and registration process so that we are ready to meet the Building Safety Regulatory requirements by April 2024.

Continue to prepare the team and our procedures for the changes the New Operational Standards will bring. This includes adapting working practices and creation of new reports to be in a position to report on the fifty new KPI's the Building Safety Regulator will require information on.

Agenda Item 7



Ensure employees have sufficient time for training, CPD and staff development.

Be in a position to maintain, monitor and audit our Quality Management System.

Review of the facilities at Woodlands is to be considered given our increased agile working since the pandemic and may provide a 10K annual saving if we no longer operate from this base.

Consider a more permanent hybrid working system and hot desk arrangements for both the Surveying and Technical Support Team.

Develop a more agile and proactive relationship that enables the Partnership to respond to change.

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