

NORTH DEVON COUNCIL

Minutes of a meeting of Building Control Joint Committee held at Barum Room - Brynsworthy on Thursday, 25th January, 2024 at 10.00 am

PRESENT: Members:

Representing North Devon Council:

Councillor Denton (In the Chair).

Representing Mid Devon District Council:

Councillors Keable and Clist.

Officers:

Representing North Devon Council:

Director of Resources and Deputy Chief Executive, Building Control Manager and Finance Manager.

Representing Mid Devon District Council:

Director of Place.

Accountant (virtually).

15. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Walker.

Councillor Denton took the Chair.

16. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 26TH OCTOBER 2023 (ATTACHED).

RESOLVED, that the minutes of the meeting held on 26th October 2023 (circulated previously) be approved as a correct record and signed by the Chair.

17. DECLARATIONS OF INTEREST

There were no declarations of interest announced.

18. 2023/24 BUILDING CONTROL PARTNERSHIP TRADING ACCOUNT QUARTER 3.

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:

- Page 11 of the agenda showed the table detailing the figures for the Partnership Trading Account.
- Column one of the trading account table, showed the annual budget for each Authority.
- Column two of the table showed the forecasted outturn for the year 2023/24 based on the total variance as at quarter 3.
- At the bottom of column two a percentage split was shown for the income for the two Authorities, which was currently showing a split of 65.62% for North Devon Council and 34.38% for Mid-Devon. This was against the original split of 60:40.
- Column three of the table set out the percentage split between the two authorities in greater detail.
- Column four of the table showed the chargeable and non-chargeable costs for North Devon Council.
- Column five of the table showed the chargeable and non-chargeable costs for Mid Devon District Council.

In response to questions, the Building Control Manager advised the following:

- The downturn in income to the partnership for the year 2023/24 could be attributed to the reduction in applications together with the type of work that the business was receiving.
- The partnership would be looking to increase its charges for applications in the new financial year 2024/25.
- The new regulations regarding high rise buildings of 18 metres or more were very complex and was now subject to regulated building safety regulations. However, the North and Mid Devon areas did not have many buildings over the regulation height.

RESOLVED, that the report be noted.

19. BUILDING CONTROL PARTNERSHIP UPDATE.

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

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

- Key Performance Indicators (KPIs) 2022/23.

- KPIs 2023/24.
- Resource Implications.
- Building Safety Act 2022 –Duty Holder and Processing Changes.
- Internal Audit.
- Building Control Charges.
- Validation Process.
- Training update.
- Building Safety Regulator Registration Update.
- BSR Operational Standards and Upgrade to Uniform.
- LABC ISO Framework.
- Partnership Priorities.

He drew the Joint Committee's attention to the following key points within the report:

- The table in the report showed performance in relation to decisions within two months at 98% (target 95%), plan examination response times with applications being examined within 3 weeks at 85% (target 95%) and average time to first response 17 days (target 10 days).
- Improvement in the three week and time to first response remained the partnerships long term target but with three vacant Surveying positions, inexperienced Technical Support staff, inexperienced Surveying staff and the changes to the back office systems that were required in the coming months, immediate improvement in these figures should not be anticipated.
- At the last Joint Committee, general Market Share was reported to have stabilised in the Quarter 2 2023/24 at 70 percent.
- Despite the challenges the Market Share had improved and was up by 10% in Quarter 3 and was currently 80 percent.
- The application numbers continued to reflect the general economic climate and the lack of confidence in the housing and property investment market.
- Taking public perception into account, interest rates and with property owners being risk averse to investment in their homes and businesses, despite the partnerships relatively competitive Market Share, the lack of activity in construction sector was being reflected in the number of applications being received and inevitably the our reduced levels of income.
- The Partnership was continuing the re-building process and recent recruitment had reduced vacant positions from six, down to three.
- Since the last Committee meeting the vacant Technical Support posts had been filled together with the New full time Technical Support Team Leader and Assistant employed on a 24 hour contract who joined the partnership on 6th November 2023. Both were becoming increasingly productive and an asset to the partnerships operations but were some way from completing training with partnerships part-time well established Technical Support Assistant.
- While this training continues, the Partnership was also preparing for the Building Safety Regulator Regime changes, with this in mind, the partnership would continue to access assistance from Mid Devon District Council's Planning Support team, to process Building Regulation applications and

payments with a view to maintaining acceptable management of new work flow.

- In addition, the vacant Mid Devon Principal Surveyor's position had been filled and the new recruit had been in post since 4th December 2023.
- With the recruitment successes the Partnership had reduced its reliance on expensive agency surveying staff and were now just contracting one agency Surveyor.
- The current agency Surveyors contract was due to expire at the end of March 2024.
- Due to the Building Safety Regulator registration requirements and the likely impact upon the number of available agency staff, agency costs were likely to spiral in the coming months.
- As reported at the last Joint Committee, the 1st October 2023 changes laid the ground for new duties and responsibilities for owners who were undertaking work to any building they own whether it's in scope or not.
- The changes place duties on the applicant, designer and contractor to sign declarations to confirm works were compliant with the Building Regulations. The Technical Support Team had been working on new application forms, acceptance letters, invalid letters, duty holder notification forms, decision notes and completion processes.
- The new forms and revised processes went live at the beginning of the New Year.
- The Technical Support Team had also created a Completion Declaration document for all Duty Holders to sign at completion prior to a Completion Certificate being issued.
- As reported previously, the changes also introduced additional enforcement powers for local authorities enabling Compliance and Stop Notices to be issued for work that was not compliant with the Building Regulations.
- Stop Notices were intended for the more serious contraventions which were considered to be life threatening and generally related to structural deficiencies or breaches of the fire regulations.
- It was the intention of the Building Safety Act to allow individual Registered Surveyors of the appropriate competence to issue these notices to offenders.
- New Building Control Charges would be introduced and would apply from 1st April 2024.
- The charges would increase from the current rate by 6.7 percent across the board.
- All of the current permanent six Surveying team members had now completed their Stage one validation submission. Two had sat the relevant exams for their class in December and were awaiting the results.
- The remaining four Surveyors had the examination booked in for the end of January or the end of February 2024.
- The Partnership was required to have action plans, training plans, and CPD logs in place for each employee and keep them updated for the BSR. These have just been completed but would require regular updating by individuals and monitoring by the Principal Surveyors and BCM in preparation for providing this information to BSR upon request.

- The Building Control Manager had just completed a Level 6 course in Building Control Management, submitted the course assignment and was due to receive the results in the coming weeks.
- The scoping work undertaken to complete the training /action plans had identified further courses, some of which had already been booked.
- Level 6 Legislative Compliance for the Mid Devon Assistant Surveyor who was keen to explore enforcement as a specialist. Uniform Systems Administrator course for the Technical Support Team Leader.
- These courses would commence in February and March 2024 and would be funded through the current financial year's training budget.
- Further Surveyor courses would be booked in the new financial year and would be class dependant.
- The two new Technical Support Staff would also be offered the opportunity to take the Level 3 LABC Technical Support Course in the new financial year.
- The Building Safety Regulator Register opened on the 5th October 2023 which allowed Building Control Surveyors to register their competence once they had proven it through one of the validation processes.
- In a recent release the BSR advised all Surveyors to register as Class 1 Surveyors to avoid a surge of applications towards the end of March 2024. Once registered, upon successful examination validation evidence being submitted to the BSR, individuals would be able to transfer from Class 1 (Trainee) to their proven Class free of charge and Surveyors were currently making applications to register with the BSR.
- As reported previously, the Building Safety Regulator would require the Partnership to demonstrate its operations were in line with new Operating Standards and report on performance on a quarterly and annual basis.
- The Partnership had been waiting on confirmation of when the delayed roll out of the Uniform upgrade from IDOX would be available before being able to start this work. Once installed, the upgrade should enable the Partnership to begin preparations for the additional reports required by the BSR to demonstrate performance against the new regime KPIS.
- The Mid Devon ICT team confirmed they had received the upgrade and it was proposed this would be installed on 16th and 17th January 2024.
- Initial discussions had already taken place with Mid Devon Planning System Report writers and work would start on the new reports at the earliest opportunity.
- LABC were yet to release the changes to the ISO Quality Framework System that would bring it into line with the BSR regime. Once received, the Partnership would need to re-engage with this platform, make the appropriate adjustments to our back office systems and then operate in accordance with those confirmed changes.
- To introduce the new Building Control Charges. The Partnership needed to remain competitive in the employment market to ensure recruitment and retention and that they had sufficient staff to be ready for the market upturn.
- The partnership would continue to prepare Surveyors for the validation and registration process so that they were ready to meet the Building Safety Regulatory requirements by April 2024.
- The partnership would also continue to prepare the team and their procedures for the changes the New Operational Standards would bring. This included

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 would require information on. They would also ensure that employees had sufficient time for training, CPD and staff development.

In response to questions, the Building Control Manager advised the following:

- The market share was higher than it had been for a long time and this was largely due to successful recruitment to long standing vacant posts within the partnership. Those newly appointed to the roles would be provided with sufficient training and with time things will continue to improve within the service.
- Looking at the market share it would appear that the partnerships competitors had not been as pro-active and with the building sector currently on a downward trend and further compounded with house building in general falling to an all-time low.
- Level six legislative compliance for surveyors, which was equivalent to degree level was a priority for the partnership and officers currently had level 4 compliance.
- Stop Notices were intended for the more serious contraventions which were considered to be life threatening and generally related to structural deficiencies or breaches of the fire regulations. It was the intention of the Building Safety Act to allow individual Registered Surveyors of the appropriate competence to issue these notices to offenders.
- However, there had been some discussion with regard to the delegation of power under the Constitution and that the current provision might not permit individual Surveyors to issue Stop and Contravention Notices.
- Advice had been sought with both legal sections it had been confirmed that as long as the delegation was declared the Constitutions allowed the Building Control Manager to delegate such powers to individual Surveyors.
- Once these delegations had been declared to each relevant legal section, the Partnership would be in a position for Surveyors to individually issue the new Stop and Contravention Notices.
- The set amount of the fines was set in legislation and also dependent on the type of notice issued together with the severity of any breach.
- There would be a 6.7% increase to Building Control charges from 1st April 2024.
- Private companies were not required to publish their charges.
- The partnership had a high percentage of repeat customers and provided that the business continued to provide the same quality of service as it had in the previous five years, it was still competitive within the open market.
- The 6.7% increase had been reviewed when the market supplement was introduced in 2023.
- However, it was difficult to determine how the partnership would manage any salary increases as whilst it had to remain competitive with private firms it also still had to remain viable as a business.

In response to a further question, the Director of Resources and Deputy Chief Executive advised that both councils would budget for salary increases for the year

2024/25 and that both councils would everything within their gift to retain the workforce.

RESOLVED:

- a) That the report be noted; and
- b) That the Building Control Manager investigate whether fees obtained from the issue of stop notices were payable directly to the local authorities or whether they were returned to central government.

**20. DATES AND LOCATIONS OF FUTURE MEETINGS. TO AGREE
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COMMITTEE FOR 2024/25.**

The Joint Committee was advised by the Clerk that she had circulated the proposed dates for 2024/25 had been circulated via email to the members of the Joint Committee for their agreement.

RESOLVED, that the following proposed dates for the Joint Committee meetings for 2024/25 be agreed:

- a) Thursday 25th April 2024 at 10:00am.
- b) Thursday 25th July 2024 at 10:00am.
- c) Thursday 24th September 2024 at 10:00am.
- d) Thursday 23rd January 2025 at 10:00am.

Chair

The meeting ended at 10.40 am