



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 Environment Centre, Barnstaple on **THURSDAY, 10TH AUGUST, 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.

Representing Mid Devon District Council

Councillors Taylor and Keable .

AGENDA

1. Appointment of Chair for 2023/24.
To appoint a Chair from North Devon Council for a period of one year from date of appointment.
2. Appointment of Vice Chair for 2023/24.
To appoint a Vice Chair from Mid Devon District Council for a period of one year from date of appointment.
3. Apologies for absence
4. To approve as correct records the minutes of the meeting held on 10th November

2022 and 16th February 2023 (attached) (Pages 7 - 14).

5. Items brought forward which in the opinion of the Chair should be considered as a matter of urgency.
6. 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).
7. To agree agenda between Part 'A' and Part 'B' (Confidential Restricted Information).

PART 'A'

8. **2023/23 Building Control Partnership trading account for quarter 1. Report by North Devon Council Accountancy Services Manager.** (Pages 15 - 16).
9. **Building Control Business Update. Report by the Principal Surveyor (attached).** (Pages 17 - 26).
10. **Dates and locations of future meetings. To agree dates and locations of future meetings of the Committee for 2023/24.**
 - 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.

(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 protocol on recording/filming at Council meetings

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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.

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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 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 November, 2022 at 9.30 am

PRESENT: Members:

Councillor Deed (Chair)

Councillors Tucker and Yabsley.

Officers:

Head of Planning, Housing and Health, Principal Building Surveyor and Accountant for North Devon Council.

Also Present:

Director of Place, Corporate Manager for Finance and Accountant for Mid Devon District Council.

15. APOLOGIES FOR ABSENCE

There were no apologies for absence announced.

16. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 7TH JULY 2022 (ATTACHED)

RESOLVED, that the minutes of the meeting held on 7th July 2022 (circulated previously be approved as a correct record and signed by the Chair.

Councillor Yabsley abstained as he was not present at the meeting.

17. DECLARATIONS OF INTEREST

There were no declarations of interest announced.

18. 2021/22 BUILDING CONTROL PARTNERSHIP TRADING ACCOUNT QUARTER 2.

The Joint Committee considered a report by North Devon Council Accountancy Services Manager (circulated previously) regarding the 2022/23 Q2 Forecast Building Control Partnership Trading Account.

The Head of Planning, Housing and Health presented the figures up to the end of August 2022.

He advised that it was a challenging trading environment for the service at the current time with the added pressure of additional significant costs through the employment of temporary agency staff. This combined with the decreasing fee income to the service, had significantly impacted the outturn. To address the shortfall, the partnership had utilised the operating surplus from the previous year, which had been put into the reserves to provide protection if required. However, that security would not be available going forward and the service would be facing increased net costs for both Councils at the end of the financial year.

The Joint Committee acknowledged the situation that the partnership currently faced.

RESOLVED, that the report be noted.

19. BUILDING CONTROL BUSINESS UPDATE.

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

He advised that the Key Performance Indicator (KPI) activity reports showed a strong quarter one and that was demonstrated by the volume of applications together with income. However, quarter two had seen application numbers reduce considerably, although the overall market share had dropped in quarter one to 75% but stabilised and improved slightly to 76% by the end of quarter two.

He explained that the market share in the housing sector had recovered in quarter one to 39% and appeared to have stabilised to 40% at the end of quarter two. Difficulties with resourcing were clearly having an impact on the partnership's ability to respond and function. The figures in the table marked with an asterisks did not include the figures for September.

Following the departure of the Technical Support Team Leader the partnership had been unable to access information from the system to populate the report. Based on the figures available and the increase in response times owing to pressures on resources. Quarter one showed an increase to 12 days the first response and Quarter two showed the figures slipping further to 13 days for the first two months of the second quarter. All decisions had been made within two months, the statutory obligations had been met, but applications examined within three weeks had suffered and for the first two months of the Quarter two had dropped to 41%.

Whilst the current market share remained strong, the current trend in lengthening response times would eventually have a negative impact on the volume of work the Partnership attracted and the income it received.

In summary, the first six months of this financial year had been a tale of two halves. As previously reported, the change to the Building Regulations and the deadline for submission in June 2022 explained the front loading of the income and application volume. It was likely the reduced numbers submitted in Q2 had 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 was solely due to the front loading of applications as a result of the regulation changes and the deadline. Reflecting on the historic data and in particular application figures since the Partnership formed, they indicated that the partnership was about where it had been anticipated that it should be for the midway point of the financial year in terms of application volume.

Since the last Committee meeting a further four employees had either resigned or were no longer employed by the Partnership. The additional departures were two Senior Building Control Surveyors, a Building Control Surveyor and the Technical Support Team Leader.

In summary since September 2022, the Partnership had seen the following departures:

- Building Control Surveyor – Retired.
- Building Control Manager – Retired.
- Principal Building Control Surveyor - Moved to Private Sector.
- Building Control Surveyor - Moved to Adjoining Local Authority Building Control.
- Senior Building Control Surveyor - Moved to Private Sector Building Control.
- Building Control Surveyor - Moved to Private Sector Building Control.
- Technical Team Leader - Moved to Non BC employment.
- Senior Surveyor - Contract ended due to ill health.

The vacant Building Control Managers post had been re-advertised at an enhanced rate in August but failed to attract a single candidate to interview. Negotiations were 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 had been appointed to and filled internally by one of the Assistant Technical Officers. This would require a further Assistant Technical Officers post to be advertised to backfill the void this process had left. The additional 20 hour Technical Support Staff had not been re-advertised. The remaining Surveying posts were to be advertised shortly and were likely to require significant market supplements to be competitive in the market place.

He added that it was clear market forces and the Partnership's lack of agility to be able to compete in the recruitment of a Manager had led to a number of the Building Control Team seeking and being tempted by opportunities elsewhere. It was apparent staff had 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 had also had an impact on employees seeking to improve their personal financial position.

The resignation of the Principal and a Senior Officer to a local branch of a Private Building Control Body based in Exeter presented 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 represented a significant risk to NMD's reputation and the customer's perception of the service and its ability to deliver it.
- The use of agency staff was expensive and would not be perceived well by the customers as they sought continuity, prefer to deal with familiar professionals and the desire for a consistent approach.
- Potential loss of further professional Surveying Staff and Technical staff would render the Partnership unworkable and unable to function.

Since July the partnership had employed two agency Surveyors who had provided some relief to employed team, however, using temporary contractors was not sustainable due to the cost. The clients would also not tolerate the prolonged use of agency Surveyors. Funding had been granted to employ a further two agency Surveyors. The service of a further surveyor had been secured on he started with the partnership on 17th October 2022. The agency market was also challenging and Surveyors were in short supply and the partnership was still searching for a further agency Surveyor. The service was therefore continuing to function at an under resourced capacity of three surveying staff and two technical positions. The funding for the agency provision would last until the middle of January 2023.

Market supplements were currently being considered. These were essential to retain and to attract new staff. This process was being undertaken directly in line with a review of the charges.

- Validation training continued for the three remaining employed Surveyors.
- The Principal and Acting up Principal had 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 were awaiting results.
- The two Surveyors had 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 remained high with each cohort being required to attend lectures for 11 weeks with one full days training on a working week day.
- Each cohort required 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 was continuing with his Level 5 qualification and the demands of this course were similar to those set out above for Level 6.

He explained that the Building Control trainee had been accepted by Wolverhampton University and would commence his Level 5/6 Building Control qualification. This training and qualification would be funded by the training levee and would commence in January 2023.

In response to a question regarding the current recruitment situation, the Head of Planning, Housing and Health explained that the market place was exceptionally challenging in terms of the recruitment of Surveyors at the present time. He added

that that there were issues within the partnership's control but also external impacts, which were outside of the partnership's control.

He explained that the impact upon the service was a result of a combination of retirements, moves to the private sector and salary levels, which were being offered. For some appointments, the partnership was having to look to market supplements to attract applicants to the service. The situation with Building Control was unique, as recruitment was a competitive environment and the partnership should act with a more commercial mind set to manage the increase in market costs at a time when income was decreasing together with the wider operating costs and fees in what was currently not a financially viable business.

The Joint Committee agreed that the financial viability of the business was essential and that there was a statutory requirement to deliver the Building Control service. As a non-fee earning business, the impact of not being able to recover any costs placed huge challenges to the service would only increase as the service moved forward.

The Joint Committee agreed that a full review of the operating model together with cost recovery was required to ensure that best service to customers and the two authorities.

The Head of Planning, Housing and Health (NDC) advised that there was a new revenue funding stream in relation to health and safety being made available from government. However, this funding stream would indirectly impact upon the resources that would be required to deliver it.

In response to a question regarding addition regulatory costs being included within the fees and charges costs. The Head of Planning, Housing and Health advised that the service was not able to recover its costs for statutory work even though this area of work would be increasing.

In response to a question regarding agency costs verses a Council employee. The Principle Building Surveyor for North Devon Council advised that a surveyor employed as agency staff to work a 37 hour week saw a cost to the service of £2,000 per week.

The Director of Place (MDDC) advised that when looking at the fees the service was broadly comparable with others within the public and private sector. However, businesses operating in the private sector did not have the statutory requirements of non-chargeable work. So, they were able to tender for the most profitable work. He added that new legislation arrangements should address those issues and improve quality assurance.

In response to a further question, the Head of Planning, Housing and Health advised that agency employees cost twice as much as an employed member of staff.

The Accountant, Mid Devon District Council thanked the Head of Planning, Housing and Health and the Principal Building Surveyor for North Devon Council for their reports and had no comments to make.

The Committee requested that it be kept briefed on the situation with the service to ensure that its needs were met and supported.

RESOLVED, that the report be noted.

20. **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 date:

- Thursday 16th February 2023 at 9.30am.

RESOLVED:

- (a) That the date for the next meeting be noted; and
- (b) That from 16th February 2023 onwards, the time of the meetings would change to a 10.00am start.

Chair

The meeting ended at 10.05 am

NORTH DEVON COUNCIL

Minutes of a meeting of Building Control Joint Committee held in the Barum Room - Brynsworthy on Thursday, 16th February 2023 at 10.00 am.

PRESENT: Members:

Councillor

Councillor Tucker

21. ADJOURNMENT OF MEETING

RESOLVED that owing to a quorum of Members not being present, in accordance with the Council Procedure Rules, Part 4 of the Constitution that the meeting be adjourned for 15 minutes.

RESOLVED that it being 10:15 am, owing to a quorum of Members not being present, in accordance with the Council Procedure Rules, Part 4 of the Constitution, that the meeting be closed.

Chair

The meeting ended at 10.15 am

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2023/24 Building Control Partnership Trading Account Qtr 1

	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
	£	£	£	£	£	63.77% £	36.23% £	75% £	25% £	75% £	25% £
Expenditure											
Employees	401,510	225,003	440,058	190,683	630,741	402,238	228,503	301,679	100,559	171,377	57,126
Transport	22,480	11,500	16,500	10,000	26,500	16,900	9,600	12,675	4,225	7,200	2,400
Supplies and Services	9,400	14,420	12,200	17,440	29,640	18,902	10,738	14,177	4,726	8,053	2,684
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	92,285	52,425	69,214	23,071	39,319	13,106
Total Expenditure	519,560	309,463	554,928	276,663	831,591	530,325	301,266	397,744	132,580	225,949	75,316
Income											
Building Regulation Charges	-397,870	-266,328	-382,870	-217,500	-600,370	-382,870	-217,500	-382,870		-217,500	
Misc Income/S106 Receipts	0	0	0	0	0	0	0	0		0	
Total Income	-397,870	-266,328	-382,870	-217,500	-600,370	-382,870	-217,500	-382,870	0	-217,500	0
(Surplus)/Deficit for Year	121,690	43,135	172,058	59,163	231,221	147,454	83,766	14,874	132,580	8,449	75,316
	% income split		63.77%	36.23%				231,220		147,454	
<i>Total Actual Variance To Budget Spend</i>					66,396						

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Appropriation Profit/Loss

Cash require to pay over from MDDC to NDC

24,603 MD to pay ND

Debtor to be raised by NDC to MDDC

-24,603

-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	147,454.04	83,765.96
12 Month Deficit / (Surplus) compared to budgete	49,194.04	17,200.96

66,395.00

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Building Control Joint Service Committee

Report Date: 21.7.2023

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 Q3 and Q4 2022/23 and Q1 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%			
Building Regulation Applications examined within 3 weeks	95%	75%			
Average time to first response (Days)	10	19			
Market Share - Number of applications %	75%	72%			
Market Share - New Housing Completions %	40%	49%			
Financial Position	Breakeven	-66,396			
Number of applications received	N/A	253			

The table above shows performance in relation to plan examination response times which continue to suffer with applications being examined within 3 weeks at 75% (target 95%) and average time to first response 19 days (target 10 days) for Q1 2023/24.

General market share fell to 70% in Q4 2022/23 but appears to have stabilised in Q1 of the current financial year at 72%. The number of applications and income received started slowly in April but rose steadily, increasing month on month, in Q1 of this financial year.

New Housing Market share for Q1 is slightly above where it is expected to be. This may be an indication some of the major volume house builders, who use Approved Inspectors, have been slowing down for some time and this is now being reflected in the completion figures.

Please note the inflated 83% figure for housing market share for Q4 Q2022/23 is a direct result of our Technical Support resourcing issues. Prioritising tasks has resulted



in the Technical Support Team being unable to update our record keeping function for some of the Initial Notice in this period for new housing completions from the Approved Inspectors.

Therefore, the true percentage figure for this period for new housing market share is likely to be nearer the target of 40%.

The overall financial position is to be advised by finance, but income by comparison with the past three financial years at the end of Q1 is below;

Income Comparison End of Q1

2023/24	145,978
2022/23	215,429
2021/22	177,170
2020/21	218,000

When comparing application numbers for Q1 with previous financial years it is apparent the Partnership has received significantly fewer applications in the current financial year.

Application Numbers Comparison End of Q1

2023/24	253 Applications
2022/23	424 Applications (Spike due to regulation changes)
2021/22	379 Applications
2020/21	237 Applications (Pandemic)

While these figures show there is a continued downward trend in the number of applications and in income our market share remains relatively consistent at 72%.

The numbers indicate the general economic climate, interest rates and inflation are impacting activity across the construction sector rather than the Approved Inspectors taking up our work while we struggle with resourcing issues.

While income and application numbers are down on previous years for the quarter, last years £68,843 over spend is largely due to our significant agency staff costs which are a legacy of the resourcing issues the Partnership has faced.

This overspend has been met by the reserve account fund set aside at the end of 2021/22. The reserve account is now empty.



Resource Implications

At the time of writing the Partnership continues to trade with six vacant permanent posts with one Senior Surveying post having been removed from the structure since the Committee last met.

The current resourcing issues continue to damage the Partnerships ability to function, its reputation and its ability to maximise income, while at the same time also having to employ expensive agency staff and pay overtime.

Previous advertisements seeking replacements have been unsuccessful in attracting candidates. This situation reflects the current national and local shortage of Building Control Professionals, the lack of investment in training and the negative impact the forthcoming Building Safety Regulator changes are having on the mature workforce by them choosing to retire or seeking opportunities beyond Building Control.

Since the last meeting a recruitment and retention package has been implemented with the introduction of a 10% market supplement. This has helped to retain and stabilise the existing team.

This approach has led to some small but significant steps in recruitment and enabled the re-building programme to begin. The Building Control Manager, Mid Devon Surveyor and North Devon Surveyor posts have been filled.

We have also utilised a flexible approach to retention which enabled the Partnership to retain one of the North Devon Surveyors on a reduced 22 hours contract. If we had not been able to have such flexibility, the individual would have been forced to resign and also leave the Partnership.

The current position puts the governance of the Partnership at risk without key Principal Team Leaders in post and makes it impossible for it to adequately maintain, monitor and audit the Quality Management System.

At the time of writing the two vacant Principal Surveying roles are at interview stage and it is hoped that both these roles will be appointed to in the new future.

Assuming this is the case, as one of candidates for the Principal role is internal, it is likely to leave two Senior Surveying positions, a trainee position and two Technical Support positions vacant (so five vacant posts).

While the current resource issues leave the Partnership in a poor position to gear up for the economic upturn when it arrives, for the time being the Partnership must take the



opportunity to re-shape, recruit and rebuild and prepare for the Building Safety Regulator.

Since last Summer the Partnership has employed three full time agency Surveyors and offered overtime to the remaining team, to fill some of the gap left by what has been up to 7 vacant posts.

Agency Staff and Temporary Resource

With the recent promotion of our trainee to the Building Surveying role in North Devon we have been able to cut our agency staff by one third.

The Partnership continues to employ two full-time agency Surveyors to provide some relief for the permanent team, however this still leaves the Partnership significantly under resourced, which requires the Building Control Manager's position to remain fully operational in both the Surveying and Technical Support role but leaves the Partnership critically short during periods of leave and is hindering our preparations for the Building Safety Regulators requirements and changes.

Funding for the agency provision has been approved until the end of September 2023 but is likely to require extension until the remaining vacant posts are filled or successful incoming mature entrants or graduates are able to register as Building Control Surveyors in their own right.

Up until his recent promotion, the Building Control Trainee had supported the under resourced Technical Team but now that he is fully operational in a surveying role this is no longer possible.

The Technical Support Team has two vacant posts due to a recent resignation of one of the Assistants and the other Technical Support post has been vacant since October 2022.

There is currently an acute shortage in the Technical Support Team and this is leading to extended processing times and already stretched Surveyors having to cover the office phones on a rota. This in turn is leading to application examination times being extended and availability for inspection reduced.

This situation has significantly hampered the Partnerships operation efficiency, had a negative impact on its ability to function and perform and be prepared for the Building Safety Regulator.

To overcome the Technical Support resource issue, prior to the reshuffle and adverts going out for the Technical Support Team the Partnership has also seconded a North Devon Planning Apprentice to assist four days a week and more recently been assisted



by Mid Devon Planning Support to assist with our record keeping backlog and application processing.

Lack of resilience and a need to be more robust has been a long standing issue for the Technical Support Team and this needs to be addressed through the recruitment of the new team members both in the Technical Team and the new junior Surveying appointments.

Building Control Charges

Since the last Committee meeting a review of the Charges has been completed.

The new Building Control Charges were increased on 26th January 2023 with an agreed uplift of 8% to the charging scheme across the board.

The charge has been set to remain competitive and also cover the cost of the market supplements.

The increase in charges shifts the split between chargeable and non-chargeable work from 75% - 25% to 80% - 20%.

Building Safety Regulator Validation and 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 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 which will require the Partnership to report performance in approximately fifty areas of the Partnership's work. The new KPI's will be covered under six headings;

- Statutory Consultations with Fire Service and Water Authority
- Enforcement & Intervention
- Risk Management
- Competence
- Systems & Controls
- Complaints & Handling

The Surveying staff have been making preparations for these changes and requirements.

Over the last twelve months the three established permanent Surveying team members have completed Level 5 and Level 6 training programmes and have all passed their assessments in Fire Safety and Legislative Compliance. On top of their workload this



has required each individual to demonstrate and record 400 hours of study in the past twelve months.

The Partnership's recently promoted trainee is currently undertaking Level 5 with the Wolverhampton Open University LABC funded course and our mature Mid Devon recruit has registered with the RICS and is building his CPD portfolio in preparation for validation and registration.

All five Surveying team members are currently applying to the LABC Building Safety Competency Framework to validate their competence. This process involves a detailed application form, CPD record, evidence of experience and eventually an examination.

Once submitted the BSCF will advise of an individual's suitability to sit the appropriate exam for a surveying class that matches their experience.

Due to the nature of the building profile's in Mid and North Devon and as the catchment area does not have many, if any, in scope buildings for the team to have worked on, it is possible the BSCF will not support the team sitting the Class 3 Specialist Exam.

In October 2023 the Building Safety Regulator register will open and the Surveying team will begin the registration process that will only be completed once individuals have passed the validation and examination process.

Once registered, Surveyors will be required to maintain a record of projects worked on and maintain a CPD record for submission to the Building Safety Regulator.

The cost of the validation process up until the end of the first four year cycle is free at the point of use to LABC Surveyors. Beyond the first four year cycle the validation process is likely to be unfunded and will represent a further cost to the Partnership.

We are awaiting a confirmation from the Building Safety Regulator with regard to cost of registration for this first cycle but it has been widely reported registration will not be free and therefore this will potentially represent a further cost to the Partnership in the coming months.

With regard to Enforcement, changes to Section 36 of the Building Safety Act will extend the time frame for Building Control Authorities to consider taking Enforcement Action. The time scale will be extended from 2 years to 10 years from April 2024.

It is widely anticipated Building Control teams in the future will need to consider appointing an Enforcement specialist or at very least the percentage of Surveyors time will significantly increase in this area of work.

If this is the case this will represent a significant cost to the Partnership as enforcement work is not chargeable work. An increase in enforcement work load will result in a shift



in the split between chargeable and non-chargeable work and will bring an upward pressure on the non-chargeable element.

There is a wider context to the Building Safety Regulators role that other Council departments must be aware of.

Duty Holders (including Local Authorities) such as owners and landlords will have responsibilities that will require engagement with the Regulator. For example Duty Holders will be required to register in-scope buildings with the Regulator and demonstrate they are managing and maintaining them appropriately.

There are likely to be representations made by tenants to the Regulator, who will have new rights and any alleged breach of those rights will be investigated and potentially prosecuted by the Building Safety Regulator.

While the detail of this is not yet known, it is possible the Regulator may require Building Control Teams and other Council departments to undertake these investigations and prosecutions on behalf of the Regulator.

Again representing a potential future cost to the public purse.

Partnership Priorities

At the last Committee meeting Senior Management advised they were considering alternative service delivery options.

It is understood these investigations have led the Senior Management to conclude the service will remain in-house due to its statutory non-chargeable elements having to be performed by Local Authority employees and any profit made outside the Local Authority umbrella being subject to Corporation Tax makes an arms-length approach non-viable.

Now this decision has been taken the Partnership must continue to stabilise, rebuild, recruit and reshape the Surveying and Technical Support Team and reduce its reliance on expensive agency staff with a view to breaking even.

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.

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

Agenda Item 9



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.

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

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

A future 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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