

NORTH DEVON COUNCIL

Minutes of a meeting of Building Control Joint Committee held at Barum room, Brynsworthy Environment Centre on Thursday, 25th July, 2024 at 10.00 am

PRESENT: Members:

Councillor Denton (Chair)

Councillors Keable and P Leaver

Officers:

Representing North Devon Council:

Finance Manager and Building Control Manager
Director of Resources and Deputy Chief Executive (virtually)

Representing Mid Devon District Council:

Director of Place and Accountant (virtually)

7. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Clist.

8. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 25TH APRIL 2024 (ATTACHED)

RESOLVED, that the minutes of the meeting held on 25th April 2024 (circulated previously) be approved as a correct record and signed by the Chair.

9. ITEMS BROUGHT FORWARD WHICH IN THE OPINION OF THE CHAIR SHOULD BE CONSIDERED AS A MATTER OF URGENCY.

There were no items brought forward which in the opinion of the Chair should be considered as a matter of urgency.

10. DECLARATIONS OF INTEREST

There were no declarations of interest announced.

11. 2023/24 BUILDING CONTROL PARTNERSHIP TRADING ACCOUNT QUARTER 4.

The Joint Committee considered a report by the Finance Manager (NDC) (circulated previously) regarding the 2023/24 Building Control Partnership Trading Account for Quarter 4.

The Finance Manager gave the Committee the following summary:

- Page 13 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 4. This was circa £52,000 down on the 2023/24 budget. However, the income had increased during the last quarter.
- 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 65.14% for North Devon Council and 34.86% for Mid-Devon. This was against the original split of 60:40.
- Column three of the table set out the percentage split of expenditure and income 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 Finance Manager together with the Building Control Manager advised the following:

- There was a need to break even over the three year period on the chargeable elements of the service. There was a slight deficit in the outturn. Following the receipt of the final figures for Quarter 1 of 2024/25, the trading account could then be produced.
- Under the new Regulations, the Building Control Partnership as the regulatory body could not provide subsidiary services. The new regulations were very clear in relation to responsibilities which should create a more level playing field.
- The Partnership's market share was very good and remained high. The issue was the volume and types of work given the current economic conditions.
- Fees could only be charged to recover costs based on a bespoke quotation which included what would be involved in terms of complexity, type of job, competency required and time. There was a sliding scale for housing development from a single individual plot to larger developments. The fees were charges within the bandings for the region. The Partnership struggled to compete with external providers as were not on a level playing field as external providers could also provide a warranty.
- It was considered unlikely that the new Government would change the new regulations. There may be a change to reporting of key performance indicators.

The Director of Resources and Deputy Chief Executive advised that columns 4 and 5 were shown for the chargeable activities; there had been previously been a surplus in these figures in prior years. There had been challenges with the recruitment of staff, however progress was now being made to reduce the reliance on agency staff, which would result in a reduction in staffing costs. Income had increased by circa £33,000 in the final quarter. The trading account moving forward would hopefully show a more positive position.

RESOLVED, that the report be noted.

12. BUILDING CONTROL BUSINESS UPDATE. REPORT BY BUILDING CONTROL MANAGER (ATTACHED).

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

The Building Control Manager drew the Committee's attention to the following key points within the report:

- The table on page 16 of the report showed the following:
 - Performance in relation to decisions within two months, which was at 94% against a target of 95%.
 - Plan examination response times with applications being examined within 3 weeks, which was at 87% against a target of 95%.
 - Average time to first response 18 days, which was against a target 10 days.
- Set against the backdrop of a spike in the application numbers experienced in the quarter of 368 and increased income of £67K for quarter one, the response figures were showing the team were working hard to maintain the level of performance being recorded when compared to the application numbers for quarter one in the previous year, which was measured at 253 applications.
- The service was no longer being supported by Mid Devon Planning Technical Team.
- The transition of the application processing workload to the Technical Support team was now complete. The transition had been very smooth and had not adversely impacted the response figures, especially when accounting for the increased activity in the first quarter of 2024/25.
- Improvement in the three week and time to first response KPIs (Key Performance Indicators) continued to be the team's long term aim. The significant additional workload being created, implemented and undertaken for the administration of the Building Safety Regulator regime changes, meant that any improvement in the processing times were unlikely in the near future without additional resource being considered.
- The share of completions in the Housing Market remained low at 26%.

- Whilst there was a slight improvement on the figure for quarter four of 2023/24, which was measured at 18%, it had been evident in the past few months that some developers were choosing the private sector over the partnership for housing developments.
- In doing so, developers took advantage of the savings they could make by instructing a Registered Approver, who also had the ability to provide a 10 year warranty for the property. This was a service that LABC (Local Authority Building Control) providers could not provide independently.
- The partnership had seen some recent success in winning the Post Hill development in Mid Devon, which was a Housing Development for 70 new residential units and the application had now been received and plan checked.
- At the last Joint Committee meeting it was reported that the general market share for quarter four of 2023/24 was at 75%.
- For quarter one of 2024-25, the market share had been measured at 81% and was slightly above target, compared to the same period in 2023/24 where it was measured at 72%.
- Whilst Finance would provide the overall picture of the financial position, it was evident income had improved in the first quarter of 2024/5 but was still below forecasted levels and this continued to reflect the position of the economic conditions.
- As a result the team's expectation and forecasted income had to reflect the current situation.
- As the figures below indicated there was still inconsistency in the market and much uncertainty as to where market confidence sat.
- The total Income Figures for quarter one of 2024/25 were as follows:
 - April - 56,878.59.
 - May - 38,114.35.
 - June - 67,176.29.

- The Partnership was continuing with its re-building process.
- Appendices one and two, which were attached on pages 26-27 of the report detailed the current Organisational Chart together with a snap shot of the position in late 2022.
- The charts had been included to illustrate the challenges the partnership had faced and to graphically represent the progress the team had made in its re-building and success in registering competence with the BSR.
- The charts had been included to remind the partnership it must be mindful of the competitive nature of the recruitment market for building control and to ensure it protected its resources to enable it to continue to operate under the new BSR Regime.
- With the team's reserve significantly reduced or spent during the recovery period from the last exodus of staff in 2022, the Partnership must be mindful that it may not be able to recover a re-occurrence of a similar scenario and that such a situation was also likely to invite sanctions from the BSR.
- The Partnership continued to be at significant risk of losing Registered Inspectors to adjoining Authorities and the Private Sector as it struggled to keep pace with the market rate for its registered staff. There were reports

across the country of Building Control sections being left without staff as a result of Inspectors moving on for improved terms and conditions.

- Since the publication of the report, the Senior Technical Leader had advised of plans to retire at the end of August 2024, therefore an advert to recruit would be placed immediately.
- Market Supplements for Mid Devon District Council Building Inspecting staff had now come to an end but continued for North Devon Council counterparts.
- This situation had created a significant difference in terms and conditions between employees on each side of the partnership and also placed Mid Devon District Council in the bottom two in regard to terms and conditions in the South West region.
- The partnership had undertaken a re-evaluation process for the Senior and Building Inspector roles with new BSR regime job descriptions and personal specification for Mid Devon District Council with a view to closing the 10% gap for the Mid Devon District Council employees.
- This approach had resulted in the gap being closed for the current Mid Devon District Council Building Inspector, but did not address the issue with the vacant senior post or the Building Control Managers position.
- Having staff on different terms and conditions while undertaking the same role remained a significant challenge for the partnership and a legacy from its formation.
- Removing the market supplements without alternative financial redress to the remaining impacted positions was in real terms a pay cut.
- This was at a time when responsibility and demand for registered inspectors had increased dramatically and other local authority providers were offering improved terms and or maintaining protection schemes to keep registered employees and to attract new employees where they were needed.
- The Building Control Recruitment Market was extremely competitive at the moment and all of the team's registered inspectors were receiving offers of employment on a daily basis and without suitable protection in place to match the market rate the partnership was once again vulnerable to departures.
- The rebuilding team of the team continued and it was reported at the last Joint Committee that the team had recruited to the trainee position.
- The newly recruited trainee was:
 - Now supporting the technical support team two days a week and shadowing the Inspecting teams three days a week.
 - Undertaking project work set by the Principal Inspectors with topics to prepare him for his University Degree in Building Control Surveying which was due to commence in September 2024.
 - Had submitted his application for the Levy funded degree with the assistance of North Devon Human Resources and awaiting confirmation of his place.
- At the last Joint Committee the vacant position for the North Devon Building Inspector position was under offer. The candidate accepted the offer and had settled in very well. He was currently shadowing the North Devon Inspectors with a view to working his own allocated area under supervision from the 1 August 2024. He had also just secured and started a Level 4 Diploma in

Building Control, which was a 9 month course for one day a week with continual assessment and exams.

- This qualification would provide an excellent platform for our latest recruit to build his knowledge and prove his competence with a view to applying to become a Class 2A Inspector and work without supervision in 12 months' time.
- As a result of introducing the latest recruit to his own allocated area under supervision at the end of July 2024, the Partnership would end its reliance on agency provision, as our sole agency Inspector's contract would not be renewed at the end of the month.
- The Mid Devon District Council Principal who had surgery had recovered well and was back to full duties including site inspections, which also provided further comfort to the partnership in deciding not to renew the agency's surveyors contract.
- Due to the supervision requirements, increased training and regime changes the partnership resource levels remained at a critically low level and it would need the vacant senior position to be filled once a decision had been taken how this post was best advertised and where it would fit within the structure.
- The Audit Team made a number of recommendations which had now been implemented:
 - To re-instate the marketing strategy to write to successful planning application applicants to offer advice and a bespoke quotation.
 - To reinstate the Completion Survey via Survey Monkey.
 - To review the Partnership Agreement (to be reviewed in the future)
 - To reduce reliance on Agency Staff; and increase the resilience of Technical Support Team.
- At the time of the last Joint Committee it was reported that the partnership was waiting on a result for one of the Senior Inspectors for their Class 2B-F status. This result had now been confirmed and all those who had sat exams had been successful in registration with the Building Safety Regulator.
- The two additional inspector recruits were also registered now and this would enable them to perform restricted functions under the supervision of an appropriately registered surveyor.
- As a result the Partnership currently had the following Registered Inspectors:
 - One Class 3 A-H (Specialist) and Class 4 (Technical Manager).
 - Two Class 2B-F (General).
 - Three Class 2A (Domestic).
 - Two Class 1 (Trainee).
- With the departure of the Agency Surveyor the partnership would be losing the benefit of having a further Class 2B-F Inspector.
- As confirmed at the last committee meeting the partnership may remain vulnerable at audit, due to the significant loss of employees two years ago, as the partnership had not yet fully recovered from that situation and were still not fully staffed.

- As reported previously the BSR required individuals to have training plans and Continued Professional Development (CPD) logs.
- Since the last meeting the following training had either been completed or put in place:
 - The Uniform Systems Administrator course for the Technical Support Team Leader had now been completed.
 - The Mid Devon Building Inspector had now completed his Level 6 Legislative Compliance Course and obtained a Distinction.
 - The same Inspector was awaiting confirmation from the BSR on his upgraded class as he had achieved Level 2B Inspecting status with Total Training, which was an alternative validation process to the one provided by the LABC through the BSCF.
 - The Technical Support Team Leader was about to commence the LABC, Level 3 Technical Support Officer qualification.
 - The recently recruited North Devon Council Inspector had just started his Level 4 Diploma in Building Control.
 - The Mid Devon District Council Principal Inspector would commence the Level 5 Diploma in Building Control in September 2024.
 - The Trainee Building Control Inspector would commence his Levy funded Building Control Surveying Degree in September 2024, assuming his application was accepted.
 - As reported previously, individuals would need to maintain CPD logs, recording topics that were relevant to their Registered Class for annual scrutiny by the BSR.
 - The LABC had recently advised that they would be providing a programme to assist and manage this requirement for a charge of £135 an Inspector.
 - Once the details of this scheme were released the partnership would review them with the intension of signing up to this recognised route to ensuring CPD was appropriate.
- At the previous committee meeting it was reported that the deadline for registering with the Regulator had been extended from 6 April 2024 to 6 July 2024.
- The Partnership had been successful in being able to validate all six of its Class 2 or better employees before the deadline, so this would not have an impact on those that had already sat the exams.
- The regulator had announced a further extension of time for Class 1 Inspectors, who had not yet received the results from the validation process, to allow them to continue to work at the level they had sat exams for until they received their results.
- This extension of time would not impact the partnership, as the two newest recruits were at the beginning of their journey to validation and were some way from being in a position to sit the validation exams.
- The Building Safety Levy was being introduced to raise funds to pay for unsafe buildings.
- Developers would be expected to pay a levy on new residential buildings meaning they, rather than leaseholders would pay to fix unsafe buildings.

- Work to implement the Building Safety Levy had been halted due to the General Election. It was anticipated this work would begin again shortly, with further consultation and engagement with Building Control Bodies recommencing soon with collection starting in 2025.
- It was the intention that LABC Building Control bodies would be responsible for collecting and recording data in relation to the Levy on receipt of Building Regulation application or Initial Notice submission. With returns being submitted to a central fund on a quarterly basis.
- The BSR Operational Standards required Building Control bodies to capture and report data on a range of activities on a quarterly and annual basis from April 2024.
- As reported at the last Committee meeting the Partnership did not have the capability in-house to produce the required access and IDOX uniform reports to extract the data from the uniform system.
- IDOX had yet to produce a suite of reports to make available to Uniform users as they were waiting on the BSR to confirm the current reports were the finalised set required.
- Since the 6 April 2024 the Partnership had been capturing this data manually using spreadsheets as it processed, plan checked, inspected and completed work.
- This process was labour intensive and resource heavy and required every team member to record actions as they occurred.
- Since the last committee meeting the partnership had sought a quotation from IDOX to write a set of reports to cover the current BSR reporting requirement.
- The quotation returned was £19K and did not include any on-going support. At the time of writing the partnership does not intend to action this instruction for IDOX to write the reports.
- With the first Quarter now completed, the industry had been expecting the BSR to introduce a reporting system so that Building Control bodies could submit data.
- The LABC had also advised that they anticipated the BSR KPIs being revised before being released as the current published KPI's were open to interpretation and may lead to a wide variety of meaningless data being submitted.
- At the time of writing, there had been no official information released by the BSR in relation to the required KPI data submission requirements.
- The LABC had also reported that they did not anticipate the BSR KPI reporting system to be formally in place until early 2025 with Building Control bodies being expected to submit data at the end of quarter 4 of 2024/25.
- The LABC also indicated recently that they had failed in their efforts to persuade the BSR to permit shared services to submit data jointly and that the Partnership would be expected to submit data individually for North Devon Council and Mid Devon District Council.
- Whilst the automated system was not ready and the KPI's did not appear to be finalised, it was anticipated the BSR would be writing to Building Control bodies in the coming weeks, with a blank spreadsheet attached for the partnership to return data to them on a quarterly basis for each authority individually.

- It was anticipated these manual captures would require the partnership to submit data for each authority under the following headings:
 - Are you a Shared Service, if so who with?
 - Number of Registered Inspectors employed and their registration number and Class.
 - Supervision Policy.
 - Inspection Report Policy.
 - Number of Agency Staff.
 - Number of Unregistered Inspectors.
 - Vacant positions.
 - Number of Tech Support.
 - The KPI information from the current draft KPIS - number of applications etc.
 - ISO Status

- The team had made the published changes to working practices within the constraints of the IDOX platform and have been manually recording data to submit to the BSR on performance.
- There remains question marks with regard to the intent of the BSR in relation to some the changes and there were conflicts between the Operational Standards and the current published Performance Standards.
- In this regard, the three main areas of concern relate to Supervision; Inspection Reports for clients and Enforcement.
- The Partnership had produced a policy for Supervision and Inspection Reports, which we will be able to provide to the BSR if requested, but it remains to be seen if this was sufficient and in line with their expectations.
- With regard to the new Enforcement Powers, the Partnerships had yet to test these.
- While we do have a number of cases with legal, awaiting their input, until further training was released by the providers in this regard, it would be sometime before staff have the confidence to engage the new enforcement processes with any confidence.
- Given the lack of communication being published by the BSR it was unlikely the Partnership would know if have complied with the required standards until we have been audited or received feedback from other audits in the future.
- With a view to protecting itself the Partnership had kept in touch with the South West LABC group and discussed main of these issues with a view to seeking a harmonised view where it's possible but as different team operate different software systems it was not always possible to work in the same way as our South West colleagues.
- As reported previously the LABC released the changes to the ISO Quality Framework System on the 5 April 2024 to bring this accreditation in line with the BSR regime.
- The Partnership was currently reviewing the significant layers of documentation released on and since the 5 April and reviewing current procedures and policies to match the new ISO process maps.
- It was anticipated the BSR would seek information in relation to our ISO Accreditation. So to ensure the Partnership makes the correct declaration to

the BSR, we have written to the LABC seeking clarification with regard to our status, given our inability to internally audit our ISO prior to the changes since 2022.

- Whilst we have been working within the framework in this period we have been unable to internally audit due to our resourcing frailties.
- Once we have reviewed the processes and re-written policy and guidance we will appoint an Internal Audit Team to recommence the audit process.
- 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. Support Inspectors in continuing to train and maintain Registered Class. Ensure employees have sufficient time for training, CPD and staff development Implement an automated KPI reporting system. Continue to adapt the office procedures for the changes the New Operational Standards bring. To maintain, monitor and audit our Quality Management System.
- Review of the facilities at Woodlands was 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 pro-active relationship that enables the Partnership to respond to change.

The Chair thanked the Building Control Manager for his comprehensive report.

Following the presentation of the report, the officers present from North Devon and Mid Devon District Councils answered questions in relation to the following:

- The Partnership was doing all it could to satisfy the requirements of being a regulator. It was still vulnerable as it was not fully staffed currently. This may result in an early audit for BSR.
- In relation to the two trainee positions, the training for the trainee Building Surveyor was funded by the Government. The Class 1 Surveyor who was starting on 1 August 2024, had previous surveyor experience would be undertaking a Level 4 course that was funded through the LABC. If members of staff left within two years of completing a funded qualification, there was a pay back clause. The Partnership was not able to be competitive with the private sector.
- The market supplement for NDC employed staff has continued for this year and would be kept under review. Market Supplements for Mid Devon District Council Building Inspecting staff had come to an end. There was a need to tackle this discrepancy. The Partnership had a good working relationship with partners in the South West who were all in a similar position regarding the retention of staff. There were different policies for staff from each employing Authority, which was difficult to manage. There was a need to review the employment of staff and harmonise conditions for everyone.
- The Internal Audit Recommendation highlighted the need to review the Partnership Agreement. This was currently being reviewed by Officers and would be brought to a meeting of the Joint Committee in the near future.

- In terms of retention of staff, this issue was not specific just to the Partnership and had affected other service areas within both NDC and MDDC. There was a need to consider working arrangements to help with the recruitment and retention of staff. Following the successful recruitment of staff, there was a need to retain those officers.
- Prior to the General Election, the intention was for LABC providers to collect the levy and send to Government on a quarterly basis. The arrangements were still under discussion.
- The BSR required individuals to have training plans and Continued Professional Development (CPD) logs. The recording of portfolio work to demonstrate working at a high level was difficult when there were very few high rise developments in the area.

RESOLVED, that the report be noted.

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

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

- a) Thursday 24 October 2024 at 10:00am.
- b) Thursday 23 January 2025 at 10:00am.

Chair

The meeting ended at 10.58 am