

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.

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.