

NORTH DEVON COUNCIL

Minutes of a meeting of Building Control Joint Committee held in the Barum Room - Brynsworthy on Thursday, 26th October, 2023 at 10.00 am

PRESENT: Members:
Representing North Devon Council:
Councillor Walker (Chair)
Representing Mid-Devon District Council:
Councillors Keable and Clist

Officers:

Head of Planning, Health and Housing, Building Control Manager,
and Accountancy Services Manager (NDC)

Also Present:

Councillor Haworth-Booth

9. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Denton.

10. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 10TH AUGUST 2023.

RESOLVED, that the minutes of the meeting held on 10th August 2023, (circulated previously) be approved as a correct record and signed by the Chair.

11. DECLARATIONS OF INTEREST

There were no declarations of interest announced.

12. 2023/24 BUILDING CONTROL PARTNERSHIP TRADING ACCOUNT FOR QUARTER 2.

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.

- The first set of columns of the trading account table, showed the yearly budget for each Authority.
- The second set of columns showed the forecasted outturn for the year 2023/24 based on the total variance as at quarter 2.
- At the bottom of these columns a percentage split was shown to work out the income for the two Authorities.
- Currently the split was 66.75% for North Devon and 33.25% for Mid-Devon.
- Referring back to the quarter one position, income for Mid-Devon had dropped off and so the split was 63.77% for North Devon and 36.23% for Mid-Devon.
- The split was important to know as the expenditure for the trading account for each Authority could then be worked out.
- The third set of columns showed the percentage split of trade income between the two Authorities.
- “The reconciliation – 12 month position compared to budget” box detailed that North Devon Council had a deficit of £47,492.40 and Mid-Devon District Council had a £6,026.60 deficit.
- The movement from quarter one showed the account was £13,000 better off.

The Head of Planning, Health and Housing advised the Committee that realistically it should be anticipated that there would be a reduction in business for both Authorities due to a drop in applications coming forward and this reduction of income should therefore, be accounted for in next year’s budget.

The Committee noted the report.

13. BUILDING CONTROL BUSINESS UPDATE.

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

He advised that the lack of technical resource continued to hamper the service. Applications were taking much longer to reach surveyors due to the lack of technically qualified staff. Since writing this report have had a meeting with the Devon Audit team so would be interesting to see the outcome of their findings.

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 – 1st October 2023 – Changes.
- Validation Process.
- Building Safety Regulator Registration.
- British Safety Regulator (BSR) Operational Standards.
- Partnership Priorities.

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

- The market share for number of applications was at 70% against a target of 75%.
- The performance in relation to decisions taken within two months was at 98% against a target of 95%. Plan examination response times with applications being examined within 3 weeks was at 93% against a target of 95% and average time to first response was 18 days against a target 10 days.
- The partnership was currently trading with only one part-time Building Control Technical Support Team Member.
- The improvements to the processing times through decision making were as a result of additional support, which had been provided by the Mid-Devon District Council Planning Technical team through the months of July and August 2023. However, the service still had some way to go in terms of achieving their target in relation to first response time.
- The general market share was reported at 70% in Q2 2022/23 and appeared to have continued to stabilise at the current time, with the last three quarters reporting an average of approximately 71% share.
- The number of applications were on a par with numbers received in Q2 in the last financial year. However, total application numbers were at significantly lower levels than the total number received by the end of Q2 in previous years.
- As reported previously, the current resourcing issues continued to damage the Partnerships ability to function, its reputation and its ability to maximise income.
- The Partnership continued had relied heavily on the support provided to them through the Technical Team from Mid-Devon and wanted to give thanks for their support.
- There had been a successful recruitment drive and two new Technical Support Officers had been recruited with both new members of staff starting in early November 2023. This would bring the Support Team up to full numbers.
- It would however, take some time for the new members of staff to be fully up to speed.

In response to a question on when the new officers were actually starting. The Building Control Manager advised that one officer had a start date of 6 November 2023 for the new Technical Team Leader post and the other post was 13 November 2023. References were still to be checked but that wasn't expected to be an issue.

In relation to their training this would be carried out in sections, to be fully trained would take some time. It was hoped to get them answering the telephones and logging applications to start.

- Prior to 1st October, owners of buildings in scope, (those buildings that were more than 18 metres in height and contained 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 could only be undertaken with a Building Regulation application being submitted to the Building Safety Regulator.
- This change would encourage the owner took more responsibility over the process by signing declarations ensuring competent designers and contractors were hired to carry out the works.
- The changes also placed a duty on the appointed designer and contractors to be responsible for their design and/or work carried out and were required to sign a declaration to demonstrate their work complied with the building regulations.
- New enforcement powers for local authorities were introduced from 1st October. Stop Notices were intended for the more serious contraventions that were considered to be life threatening and generally related to structural deficiencies or breaches of the fire regulations.
- Compliance notices would be used for everything else that was not considered life threatening.
- It is thought these changes to enforcement powers could lead to increased workloads in enforcement, which was a non-chargeable element of the Partnership's work.
- The five permanent surveying team members were currently at various stages of the validation process with the Local Authority Building Control (LABC), which was free to full time LABC employees at this time.
- The validation process needed to be completed by April 2024. The Building Control Manager had completed stage 1 of this process and was ready to proceed to stage 2, which was an exam.
- Once surveyors had passed their exams they could apply to the Building Safety Regulator (BSR) to register at the competence level they had demonstrated they could operate.
- Where surveyors did not achieve a registration band they would not be able to perform restricted functions such as plan checking or site inspections without being under supervision of a Registered Surveyor at that competence band.
- The BSR had announced its registration charges which were:
 - £336 for initial registration for a four year cycle, and;
 - £216 per year per surveyor for monitoring between four year cycles.
- This confirmed the previously reported additional costs the Partnership needed to account for this year.
- AS reported previously the BSR 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.
- Engagement with the South West Group was underway to ensure a consistent approach to the new requirements and it had already been highlighted that changes to the application form, acknowledgement letter and completion procedures to capture the duty holder changes, recently introduced, would be required.
- Consultation with Mid-Devon Planning Support, once the new Technical Support Team were in place, would be needed to use their expertise in extracting the information from Uniform, the data base system, which will be required.

- A preliminary meeting for this was yet to be arranged but looked likely to be early in the new year, 2024.

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

- Stately homes were not considered in scope buildings in terms of the new regulations that came into effect from 1st October 2023.
- There were very few buildings in the area over the 18 metre height that were in scope but it would cover hospitals with more than four storeys and care homes.
- The current period of notice for an employee to give varied depending on the status of their role, so for a surveyor a month's notice was required but a manager had to give three months' notice.
- The LABC had issued their interpretation of the new changes yesterday, 25th October 2023, once the guidance had been understood the back office system could be upgraded to allow for the changes.

The Committee noted the report and,

RECOMMENDED that:

- (a) in the short-term both Authorities use the 10% discretion payable on salaries to retain staff;
- (b) in the long-term re-evaluate the job descriptions; and
- (c) To seek guidance on whether it would be possible to extend the period of notice needed to be given by an employee from one month to three.

14. DATE AND LOCATION OF FUTURE MEETING.

The Joint Committee agreed the remaining date of the final meeting for 2023/24, which was scheduled to be held on:

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

Chair

The meeting ended at 10.40 am