

Building Control Joint Service Committee

Report Date: 07.01.2024

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 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%	98%	
Building Regulation Applications examined within 3 weeks	95%	75%	93%	85%	
Average time to first response (Days)	10	19	18	17	
Market Share - Number of applications %	75%	72%	70%	80%	
Market Share - New Housing Completions %	40%	49%	16%	34%	
Financial Position	Breakeven	-66,396	TBA	TBA	
Number of applications received	N/A	253	245	275	

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 85% (target 95%) and average time to first response 17 days (target 10 days).

The reported KPI processing times through to decision making are a direct result of the continued support we have received from the Mid Devon Planning Technical Team and without this support performance would be significantly worse.

Improvement in the three week and time to first response remain our long term target but with three vacant Surveying positions, inexperienced Technical Support staff, inexperienced Surveying staff and the changes to our back office systems that are 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 Q2 2023/24 at 70 percent.

Despite our challenges our Market Share has improved and is up by 10% in Q3 and is currently 80 percent.

While this is encouraging, these figures should be reviewed over a longer period to establish the trend and our true market share.

Despite our Market Share, total application numbers are at significantly lower level than the total number received by the end of Q3 in previous years.

Total Application Numbers and Market Share Comparison at the End of Q3

<u>Year</u>	<u>Applications Received</u>	<u>Market Share</u>
2023/24	688 Applications	80%
2022/23	902 Applications	72% (7 employees departed Partnership)
2021/22	996 Applications	84%
2020/21	922 Applications	84% (Pandemic)
2019/20	1000 Applications	74% (Pandemic)
2018/19	985 Applications	72%
2017/18	983 Applications	74%

The application numbers continue 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 our relatively competitive Market Share, the lack of activity in construction sector is being reflected in the number of applications being received and inevitably in our reduced levels of income.

The overall financial position is to be advised by finance but after much improved receipts in October and November, income in December was disappointing.

Income remains at much lower levels than previous years and estimated forecasted income will need to be revised.

As reported previously, there is a continued trend not only in the number of applications but also in the work types that are being submitted. Projects that are being submitted tend to be for smaller, less complex in size, which in turn sit in the lower fee income brackets and therefore impact on overall income.

As anticipated Housing Market Share has returned closer to our 40% target at 34%.

However, it is apparent all new house builds are continuing to slow down within the region as developers are struggling to sell the completed plots. This is leading to an overall reduction in site activity on the existing housing sites we are overseeing as developers wait for further signs the housing market is turning in a positive direction.

Resource Implications

The Partnership is continuing the re-building process and recent recruitment has reduced vacant positions from six, down to three.

Since the last Committee Meeting our vacant Technical Support posts have been filled and the New Technical Support Team Leader (full time) and Assistant (24 hours) joined on 6th November 2023.

Both are becoming increasingly productive and an asset to our operations but are some way from completing training with our part-time well established Technical Support Assistant.

While this training continues, the Partnership is also preparing for the Building Safety Regulator Regime changes, with this in mind, we will continue to access assistance from Mid Devon Planning Support, 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 has been filled and our new recruit has been in post since 4th December 2023.

While the Mid Devon Senior Surveyor will not be advertised immediately, approval has been given to advertise the vacant Senior Surveyor position in North Devon and our vacant Trainee Building Control Surveyor position.

With the recruitment successes the Partnership has reduced its reliance on expensive agency surveying staff and we are now just contracting one agency Surveyor.

The current agency Surveyors contract expires 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 are likely to spiral in the coming months.

While it may be possible to completely remove the Partnerships reliance on Temporary Surveyor support by the end of Q4, this will depend largely on our success/failure in forthcoming recruitment rounds, our current resource levels remaining consistent and work load not increasing significantly.

The current 10% Market Supplement which was put in place in Q4 of 2022/23, after the loss of seven established, qualified and experienced staff will stop at the end of Q1 2024/2025.

The Market Supplement has been successful in its aim to retain staff and has eliminated the risk of further departures for the time being, by stabilising our remaining resource and providing competitive terms and conditions which has enabled some significant success in recruitment to our vacant positions.

With the Market Supplement coming to an end Senior Management are in the process of tasking Human Resource Teams within each authority to jointly review and potentially harmonise permanent competitive terms and conditions.

This action is being taken with a view to avoiding further departures, as once the Market Supplement ends the Partnership's terms and conditions will again become uncompetitive.

Building Safety Act 2022 Duty Holder and Processing Changes

As reported at the last Joint Committee, the 1st October 2023 changes laid 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 duties on the applicant, designer and contractor to sign declarations to confirm works are compliant with the Building Regulations.

The Technical Support Team have 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 changes made to our application forms allow us to capture information the Building Safety Regulator requires us to record. This new data includes, details of the contractor, details of the designer, the height of the building and an intended commencement date for the work.

Until the Uniform upgrade is completed we will record all new required information to our Documentation Management System, but once the upgrade has been completed it

is anticipated there will be additional fields and boxes within the Building Control Module of Uniform to record this information and then have the ability to report upon.

We have created further invalid application letter pro forms to issue to applicants where insufficient information has been received. These letters will enable the Partnership to request the additional information prior validation and issuing an acceptance letter.

Our application acceptance notices on full plans applications now have Duty Holder completion protocol notes and forms for the relevant Duty Holders to complete.

To ensure compliance with the Building Safety Regulator Regime requirements, wording changes have been made to our full plans application decisions notices.

A Conditional Approval is now known as Approval with Requirements and a Full Plans Approval is now known as Application for Full Plan Building Regulation Approval Notice.

Forms have been created to allow applicants to formally advise the Partnership of changes to Duty Holders, which must be given in writing. These written notifications include changes of ownership, changes relating to the designer, contractor or the design itself.

The Technical Support Team have 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 introduce 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 which are considered to be life threatening and generally related to structural deficiencies or breaches of the fire regulations.

It is the intention of the Building Safety Act to allow individual Registered Surveyors of the appropriate competence to issue these notices to offenders.

However, there has been some discussion with regard to the delegation of power under the Constitution and that current provision may not have permitted individual Surveyors to issue Stop and Contravention Notices.

Having spoken with both legal sections it has been confirmed that as long as the delegation is declared the Constitutions allow for the Building Control Manager to delegate such powers to individual Surveyors.

Once these delegations have been declared to each relevant legal section, the Partnership will be in a position for Surveyors to individually issue the new Stop and Contravention Notices.

Having the capability to digitally record location, time and date stamped, photographic evidence of inspection stages will be a requirement of the new BSR regime.

This will be required with the view to providing applicants with inspection reports upon request.

It will also be a requirement for the Partnership to demonstrate how Surveyors access application information on site.

With this in mind the Partnership will need to have access to the latest version of the Building Inspector APP (BI).

This will give individual Surveyors access to plans, specifications and inspection records via upgraded android tablets with our current IPADS due to be replaced in the next two to three weeks ensuring all Surveyors have suitable equipment.

It is anticipated the forthcoming changes to our data base package, Uniform, will allow reports to be automatically populated but if this is not the case, then these will have to be manually produced upon request.

Internal Audit

The Partnership is awaiting the final report from the internal audit team.

Building Control Charges

New Building Control Charges will be introduced and will apply from 1st April 2024.

The charges will increase from the current rate by 6.7 percent across the board.

Validation Process

All of the current permanent (six) Surveying team members have now completed their Stage one validation submission.

Two have sat the relevant exams for their Class in December and are awaiting the results.

The remaining four Surveyors have the examination booked in for the end of January or the end of February 2024.

Training Update

The Partnership is 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 will 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 has just completed a Level 6 Course in Building Control Management, submitted the course assignment and is due to receive the results in the coming weeks.

The scoping work undertaken to complete the training /action plans has identified further courses, some of which have already been booked.

Level 6 Legislative Compliance for the Mid Devon Assistant Surveyor who is keen to explore enforcement as a specialist.

Uniform Systems Administrator course for the Technical Support Team Leader.

These courses will commence in February and March 2024 and will be funded through this financial year's training budget.

Further Surveyor courses will be booked in the new financial year and will be Class dependant.

The two new Technical Support Staff will also be offered the opportunity to take the Level 3 LABC Technical Support Course in the new financial year.

Building Safety Regulator Registration Update

The Building Safety Regulator Register opened on the 5th October 2023 which allows Building Control Surveyors to register their competence once they have 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 will be able to transfer from Class 1 (Trainee) to their proven Class free of charge and Surveyors are currently making applications to register with the BSR.

BSR Operational Standards and Upgrade to Uniform

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.

The Partnership has been waiting on confirmation of when the delayed roll out of the Uniform upgrade from IDOX will 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.

Last week Mid Devon IT confirmed they had received the upgrade and it is proposed this will be installed on 16th and 17th January 2024.

Initial discussions have already taken place with Mid Devon Planning System Report writers and work will start on the new reports at the earliest opportunity.

LABC ISO Framework

LABC are yet to release the changes to the ISO Quality Framework System that will bring it into line with the BSR regime.

Once received, the Partnership will 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.

Partnership Priorities

To introduce the new Building Control Charges.

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.

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 pro-active relationship that enables the Partnership to respond to change.