

NORTH DEVON COUNCIL

Minutes of a meeting of Building Control Joint Committee held at Exmoor Room, Brynsworthy Environment Centre, Barnstaple on Thursday, 25th April, 2024 at 10.00 am

PRESENT: Members:

Councillor

Councillors Keable, Clist, Denton and P Leaver

Officers:

Director of Resources and Deputy Chief Executive, North Devon Council, Building Control Manager, NDM Building Control Partnership and Director of Place, Mid Devon District Council.

1. APPOINTMENT OF CHAIR FOR 2023/24.

RESOLVED, that Councillor Denton be appointed Chair of the Joint Committee.

The appointment would be for a period up until when the appointments for the Chair and Vice Chair would cease and new appointments would need to be made.

The appointment would be considered after the 10th August 2024 when it expired and new appointments would need to be made.

Councillor Denton took the Chair.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence made.

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

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

4. DECLARATIONS OF INTEREST

There were no declarations of interest announced.

5. **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.

He outlined the main areas of the report, which were under the following headings:

- Key Performance Indicators 2022/2023.
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- Resources.
- Internal Audit.
- Building Control Charges.
- Building Safety Regulator Hourly Rate.
- Validation Process and Building Safety Regulator Registration.
- Training Logs and Plans.
- Building Safety Regulator Registration Deadline Delayed.
- Upgrade to Uniform Building Safety Regulator Module.
- Performance Standard Reporting.
- LABC ISO Framework.
- Partnership Priorities.

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

- Performance was on target and whilst there were certain areas which were better performing than others, it was consistent as the figures below showed.
- 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 83% against a target of 95% and the average time to first response was 17 days against a target of 10 days.
- There was an error on page 15 of the report regarding the total number of application numbers comparison at the end of quarter 4 for the year 2020/21, which stated that there had been 1303 applications received when in actual fact there had been 1035 applications received.
- Improvement in the three week and time to first response KPIs remained the partnership's long term target but the significant additional workload being created implementing and undertaking the administration of the Building Safety Regulator regime changes meant that any improvement in the processing times were unlikely and it was anticipated performance in relation to these targets was likely to drop rather than improve in the following two quarters.
- The partnership's share of completions in the Housing Market was low at 18% and this reflected the decreased activity that the partnership had experienced in the area of submitted new housing applications in the past two years. It was also a reflection on the rate of development slowing on sites that the Partnership was overseeing.
- Developers had been scaling back building operations as they had been unable to sell completed houses in the recent economic conditions.

- At the last Joint Committee, general Market Share was reported for Quarter 3 2023/24 at 80%. For Quarter 4, Market Share had settled back and sat on target at 75% which gave the Partnership an average of 74% Market Share for the financial year.
- It was reported at the last Committee Meeting, total application numbers were at a lower level than the total number of applications received at the same point in previous years, but having reviewed the end of year figures, applications numbers for 2023-24 appeared to have recovered in the final quarter and were on a par with 2019-20; 2020-21; and an improvement on 2022-23 figures.
- It has also been apparent that among the applications being submitted since the New Year there had been an increase in larger domestic projects, more commercial work and increased activity in the new build housing sector. In the housing sector, the Partnership had seen two medium sized housing developments get under way in Braunton and Chivenor.
- New housing development, commercial activity and more complex domestic work were all encouraging indicators that the sector was showing signs of increased confidence. While Finance would provide the overall picture of the financial position at the net meeting of the Joint Committee, it was clearly evident income had been stronger and more consistent in the final quarter of the year.
- The income figures for the final quarter totalled £150,000.
- The vacant Trainee and Building Control Inspector posts had been advertised and candidates had been interviewed and selected.
- The successful Trainee candidate started with the partnership on 15th April 2024 and would register with the Building Safety Regulator as a Class 1 Inspector.
- The new recruit would only be allowed to perform restricted functions of plan examination and site inspection under supervision until they were able to demonstrate their competence through a validation scheme and register as a Class 2 Surveyor with the BSR.
- The vacant Building Control Inspector's position was advertised and the Partnership received just two applications and after shortlisting, interviewed one of the applicants.
- A verbal offer had been made to the candidate and if they accept the offer, the Building Inspector (due to the new Building Safety Regulator regime rules), would also be required to register as a Class 1 Inspector and would only be able to perform restricted functions of plan examination and site inspection under supervision until they were able to demonstrate their competence through the validation process and then registering as a Class 2 Inspector.
- That would leave just one senior vacant post within the partnership.
- With the challenges that the partnership had experienced recruiting to the senior vacant positions it was unlikely they would be able to attract a Registered Senior Inspector.
- Market Supplements for Mid Devon staff were due to stop at the end of June 2024 but may continue for the North Devon Inspectors. The Partnership was undertaking a re-evaluation process with new BSR regime Job Descriptions and Personal Specification with a view to closing the 10% gap for the Mid Devon Staff.

- Applications for in-scope building work, which applied to buildings that contained two or more residential units with a floor height above 18m; or a Care Home or Hospital with a floor height of over 18 metres must now be submitted through the Building Safety Regulator.
- From 6th April 2024, Class 3 Registered Inspectors maybe required by the Building Safety Regulator to become part of a multi-disciplined team to check in-scope buildings and where required to do so the employing Local Authority would be able to recover costs based on an hourly rate.
- The Partnership had recently reviewed its BSR hourly rate and this had now been submitted to them and for this financial year would be set at £83.52 an hour.
- All the Partnership Inspectors had taken the appropriate exams for their stage one assessed validation competence and to date and had received five out of six results, with one result pending for a further class 2.
- Now the Partnership's Inspectors had largely received their validation results their individual action plans and training plans would require updating.
- In the intervening three years until the next registration cycle in 2028, individuals would be required to maintain a portfolio of work relevant to their Class and anticipate an audit from the BSR annually.
- Employees would assume responsibility for maintaining their CPD logs recording topics that were relevant to their Registered Class for annual scrutiny by the BSR.
- The Building Control Manager had now received the results of the Level 6 qualification in Public Service Building Control Management and achieved a Merit.
- The Mid Devon Building Inspector was still working through the Level 6 Legislative Compliance qualification and the result should be known by the next Joint Committee Meeting.
- The Uniform Systems Administrator courses for the Technical Support Team Leader were delayed by IDOX. These courses had now been completed.
- While the Partnership had been successful in being able to validate five out of six Inspectors with one result pending, the picture across the industry was not so positive.
- The validation bodies had been overwhelmed by the volume and submissions from Building Inspectors and there were reports that many professionals had not engaged with the Registration process at all.
- As a result, just days before the 6th April Deadline the BSR announced a delay to the Registration deadline with transitional arrangements being introduced. The new deadline date for Registration was 6th July 2024.
- It had been frustrating that the Partnership did not receive the IDOX BSR Module upgrade until the third week in March leaving limited time to make the required changes to the back office systems to be ready for the 6th April deadline.
- The required changes had been communicated to the team. However, with such little time to prepare, it was inevitable that the data would not be recorded as consistently and as accurately as it would have been had there been a longer lead-in time for the team to become familiar with what was required.

- The changes to Uniform and the BSR Module allowed the Partnership to enter Duty Holder information and building height which they had been recording to DMS since the 1st October 2023, under the phase one changes introduced.
- The most recent changes to the back office processes were significant and the Partnership had created and distributed guidance notes to both the Technical Support Team and the Building Inspectors to assist with them with entering data at the appropriate time and in the correct place.
- Despite extending the Registration deadline for Inspectors the BSR had not announced a delay in the requirement for Building Control Bodies to submit the required new KPI data at the end of Q1 for 2024/25.
- The BSR were also currently advising that shared services would be required to submit data individually for each of the Partnership authorities, in the same way authorities were required to do so for P2 Housing returns.
- It had been formally reported to Members by the LABC that the BSR did not yet have a reporting system in place and that they were unlikely to have it ready in time for the end of June 2024. However, as it stood, the BSR still expected Building Control Bodies to capture and submit the new KPI data in early July.
- There was currently no in-house service or authority wide expertise to provide the required reports to submit this data.
- The Technical Support Team leader was in the process of completing the Uniform Administrator and Microsoft Access training but it was not anticipated that knowledge gained from this training would be sufficient to complete the report writing requirements without the further support of a consultant.
- Having approached IDOX, the Partnership had been advised that while they had given the BSR an undertaking to prepare reports, IDOX had not yet written them themselves to enable authorities to report on the new information now being captured.
- The Partnership had requested and was waiting on a quotation from IDOX to produce these reports in a consulting capacity.
- Until an automated reporting system was in place the Partnership staff would manually record the data required to spreadsheets so that it was in a position to submit information at the end of June assuming the deadline was not extended.
- The data capture requirements were significant and would require all team members to spend a significant amount of time recording the new information to Uniform and to spreadsheets for the time being.
- As a result, the team would require up to an additional five hours a week per employee to capture this data. Therefore additional hours had been agreed in the form of overtime until an automated system was in place or confirmation the data capture deadline had been delayed.
- Spreadsheets had been created for the individual authorities, for staff to record data as they process with various activities being captured at the following stages of Partnership processing:
 - Validation.
 - Plan Examination.
 - Decisions.
 - Inspections.

- Completions.
 - Enforcement.
 - Complaints.
 - Initial Notice Processing.
- LABC released the changes to the ISO Quality Framework System on the 5th April to bring this accreditation in line with the BSR regime.
 - The Partnership would need to review and re-engage with this platform, make any further appropriate adjustments to our back office systems and then operate in accordance with those confirmed changes.

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:

- Under the KPIs, the time to first response was working days and following a supplementary question regarding how that linked to the percentage figures for examination within three weeks, the Building Control Manager advised that the figures would be assessed and if there was insufficient evidence an amendment request would be written and that would then be considered as a first response.
- The BSR reporting process had 40 completely separate new KPIs, which were split across headings for validation through to completion. The new KPIs were fairly vague and were all being interpreted slightly differently and it was predicted that some KPIs would eventually be removed.
- The increase in the new building control charges of 6.7% across the board was difficult to compare with private sector companies, as private firms did not publish their figures. However, if the partnership continued to increase their prices there might come a point where that might change.
- The BSR hourly rate of £83.52 an hour when compared with other local authorities varied, as some London based companies charged more. However, employees in those areas were on higher salaries.
- A benchmarking exercise 18 months ago had placed the partnership in the upper quartile for their hourly charge rates. However, the position was not higher than average.
- Congratulated the partnership on its successful navigation of the validation process and following a question regarding how other companies were progressing with the process, were advised by the Building Control Manager that there were alternative validation processes that didn't involve exams but instead a portfolio of submissions to be checked. If companies were not on the BSR list from 6th July 2024 onwards they were not allowed to undertake work and any notices that were produced would be rejected if not compliant.
- North Devon Council and Mid Devon District Council contributed 0.5% of their annual payroll into the apprenticeship levy to facilitate the apprenticeship training scheme.
- Administrative resources to support the delivery of the validation process would be assessed when there was more information available.

- Hospitals with buildings of 18m or higher would need to submit their application to the Building Safety Regulator as opposed to the local authority. North Devon District Hospital had confirmed that their building was below the height of 18m.

The Chair expressed recognition to the Building Control Manager and his team for their hard work on achieving BSR validation and wished them well with the ongoing process.

The Director of Resources and Deputy Chief Executive advised that the financial trading account figures for the 2023/24 financial would be presented to the next meeting of the joint committee where it was hoped that an improved financial position would be reported for the final outturn report for quarter 4.

He added that there was now less reliance upon agency employees and associated costs and with the team now in a much more positive position as a result of the hard work by the Building Control Manager and his team.

In response to a question regarding the budgeted figures for 2024/25, the Director of Resources and Deputy Chief Executive advised that he didn't have the figures for 2024/25 to hand. However, the budgeted income figures for 2023/24 were as follows:

- North Devon Council - £400k (just under).
- Mid Devon District Council - £270k.

In response to a further question regarding the figures within the KPIs, he advised that those figures showed the net position with the total outturn projection at quarter 3 as follows:

- North Devon Council - £186k against a net budget of £98k, which was £88k over budget.
- Mid Devon District Council - £97k against a net budget of £66k, which was £31k over budget.

He added that the final outturn figures for quarter 4 should be lower due to improved income in the last quarter and the net budget gap forecast at quarter 3 should be reduced.

In response to a statement regarding the advantages of knowing what the partnerships competitors were charging, the Director of Resources and Deputy Chief Executive advised that the key element was market share and quality of service.

The Building Control Manager advised that he was hopeful that the new regime would provide a level playing field in terms of the charges as the regulator had great powers.

He added that following a recent internal audit, one of the recommendations made was to write to potential clients to offer the partnerships services and also to send out a customer survey to engage customers more within the process.

He explained that it was the government's intention to eventually regulate architects and builders.

RESOLVED, that the report be noted.

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

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

- a) Thursday 25th July 2024 at 10:00am.
- b) Thursday 24th September 2024 at 10:00am.
- c) Thursday 23rd January 2025 at 10:00am.

Chair

The meeting ended at 10.51 am