

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 18 AUGUST 2016
title: REVISION OF BUILDING CONTROL POLICY
submitted by: MARSHAL SCOTT – CHIEF EXECUTIVE
principal author: HEATHER COAR – HEAD OF ENVIRONMENTAL HEALTH SERVICES

1 PURPOSE

1.1 To agree a Building Control Policy in accordance with the Building Control Performance Standards Publication of the Construction Industry Council, Local Government Association and the Association of Approved Inspectors.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives – To make people's lives healthier and safer and to support health, environmental, economic and social wellbeing of people who live, work and visit the Ribble Valley.
- Corporate Priorities – To enable the delivery of effective and efficient services.
- Other Considerations – None.

2 BACKGROUND

2.1 The Council's last Building Control Policy was adopted a number of years ago and was in accordance with a model issued by the Association of Metropolitan Authorities, Association of District Councils and District Surveyors Association. This was intended to ensure minimum service levels in Local Authority Building Control and set a benchmark for the increasingly emerging private sector building control. The Performance Standards Publication, has representation from the private sectors as well, attempts to conclude that process. All Building Control bodies are recommended to adopt a policy in accordance with the document.

3 BUILDING CONTROL PERFORMANCE STANDARDS

Background

3.1 Building Control is a process that has developed over many years to ensure the construction of safe buildings in the United Kingdom. The Public Health Act of Victorian times and into the early 20th century, lead to the first National Building Regulations of 1965, which was a step change in the way Building Control was organised. In 1984 a review of the regulations enabled the building notice method of application and perhaps more significantly, made provision for the approved inspector private sector building control body. Today, virtually all building work controlled under the Building Regulations can be supervised by the private sector Approved Inspectors more commonly known as AI's, potentially resulting in the loss of workload and income to local authority Building Control.

3.2 More recent changes have enabled Government authorised (competent person) schemes to administer discreet areas of the Building Regulations, such as replacement glazing and domestic electrical installation.

- 3.3 The Council is statutorily obliged to provide a Building Control Service as there are aspects of work which the private sector cannot undertake, including, ironically, certain administrative tasks relating to private sector building control activity and being repository of certificates issued by competent person schemes.
- 3.4 The term building control refers to the execution of the provision of the Building Act 1984 (as amended) under Section 91 and the Building Regulations 2010, together with other areas of activity normally linked to or carried out as part of this role. The term building regulation activity is defined here as the administrative and technical processes involved in the application of statutory building standards contained within the Building Regulations and allied legislation and include:
- a) the examination approval or rejection of submitted plans, calculations and other relevant documents and information;
 - b) the inspection of building work for which either full plans or regularisation application has been deposited or a building notice had been given; and
 - c) the keeping of adequate records in relation to these matters.
- 3.5 The basic principle of building control service is that the user pays. The service is fully funded by the charges building control makes to its service in accordance with the Building (Local Authority Charges) Regulations 2010.
- 3.6 In practice the Building Control Section undertakes other works in addition to providing the defined Building Control service and all of this other work is funded directly by the Council's general fund. Such works include dealing with dangerous structures and demolitions, responding to general enquiries by the public, providing guidance to other council's sections, administering approved inspector notices in respect of building works undertaken by private sector building control etc.
- 3.7 The policy brought before Committee establishes the level of service considered appropriate in dealing with the Building Regulations in order to achieve reasonable standards of health and safety and ensure that the Council's duties and liabilities under the Building Act and the Building Regulations are adequately discharged.
- 3.8 The level of service considered necessary to meet the aims of this policy should be under constant review. It should be reviewed in light of major changes of legislation, case law or technical or operational matters. Additionally the size of establishment and staff competencies considered necessary to achieve the agreed level of service should be formally reviewed at intervals not exceeding 3 years although the Principal Building Control Surveyor will continually review staff levels and competencies on a daily basis to ensure that the statutory function can be effectively achieved, particularly in relation to large or complex projects. Any formal review should be responsive to the views of the customer or client on the degree to which the declared service is being achieved.
4. DELEGATION
- 4.1 The Head of Environmental Health Services acting through the Principal Building Control Surveyor will take responsibility for setting priorities in order to ensure the highest possible service and optimum use of resources available. In practice the day to day management of the building control function is delegated to the Principal Building Control Surveyor.

5 ISSUES

5.1 The following policy is recommended as being a reasonable level of service in relation to the Building Regulations aspect of Building Control. The Building Control Policy brought before Committee looks at a number of issues and the following items are not necessarily in particular priority order:

- Staff competency;
- Performance;
- Consistency;
- LABC;
- Charges;
- Site inspections;
- Marketing;
- Records;
- Contraventions;
- Complaints;
- Review.

5.2 Whilst being service specific to building control, this policy is within the overall umbrella of the Council wide Enforcement Policy. Statements and commitments made in that general policy, whilst being adhered to, will not necessarily be repeated here.

5.3 The principles of good enforcement within this policy ensure that enforcement of legal requirements will be based upon the following key principles:

- Measuring performance against agreed standards.
- Openness in dealing with business and others.
- Helpful, courteous and efficient enforcement officers.
- Published Complaints Procedure.
- Enforcement decisions taken in proportionate and appropriate manner.
- High standards of consistency in enforcement action.

5.4 Although no formal performance standards have been currently set within the authority for Building Control the Building Control Performance Standards Advisory Group make strong and detailed recommendations on the operation of this function.

5.5 Ribble Valley Borough Council's Building Control will start to monitor its performance monthly against a set of performance indicators. The performance indicators will be reported to Head of Service each month and these are to be:

- percentage of applications acknowledged to the applicant within 7 days of receipt;
- percentage of applications upon which a substantive plan check letter has been issued within 21 days of receipt;
- percentage of applications where a decision notice has been issued within the statutory prescribed period;
- percentage of applications upon which a completion certificate is issued with 7 days of a satisfactory completion; and
- percentage of site inspections carried out with the statutorily prescribed time.

5.6 The results of the PI's will be available to the public upon request.

- 5.7 Building Control will provide information and advice in plain language as appropriate regarding enforcement matters and the rules that apply. It will be open on how it operates and will discuss general issues and specific compliance failures or problems within anyone experiencing difficulties with the process or the regulatory requirements. It will make clear to those who are potentially subject to enforcement action what must be done and within what timescale, distinguishing where necessary between statutory requirements and what is desirable but not compulsory.
- 5.8 The Council will provide courteous, efficient and accessible services and all matters to be dealt with as soon as possible.
- 5.9 All formal complaints will be investigated in accordance with written procedures. In cases where disputes cannot be resolved, a further right of complaint or appeal will be explained.
- 5.10 Building Control will minimise the cost of compliance for its customers by ensuring that any action required is proportionate to the risk involved and seriousness of the breach.
- 5.11 The Council will carry out its duties in a fair and consistent manner. Decisions on enforcement always involves a degree of judgement and the circumstances of each case will inevitably differ in detail.
- 5.12 Advice from surveyors will be put clearly and simply and where an enforcement issue is put in writing surveyors will explain why the measures are necessary over what timescale.
- 5.13 Resources will be targeted towards meeting statutory deadlines and requirements.
- 5.14 The full range of legislative powers available to undertake the range of duties are found in Ribble Valley Borough Council's Officer Delegation Scheme May 2014, of which it is available on request.
- 5.15 The Head of Environmental Health Services will be responsible for ensuring that all enforcement officers are familiar with the requirements of and carry out their duties in accordance with this Enforcement Policy.

6 RISK ASSESSMENT

- 6.1 The approval of this report may have the following implications:
- Resources – The report has no direct financial implications.
 - Technical, Environmental and Legal – Ensure appropriate levels of fees and charges are applied in relation to service delivery.
 - Political – To enable the delivery of an efficient and effective service.
 - Reputation – Improvement of the current Council perception as Building Control.
 - Equality & Diversity – No implications identified.

7 RECOMMENDED THAT COMMITTEE

- 7.1 Approve and adopt this Enforcement Policy.

- 7.2 The policy is to be reviewed periodically in response to new legislation or guidance and amended accordingly.
- 7.3 This policy is open to the public and copies can be obtained by contacting the Principal Building Control Officer.

HEATHER COAR
HEAD OF ENVIRONMENTAL HEALTH SERVICES

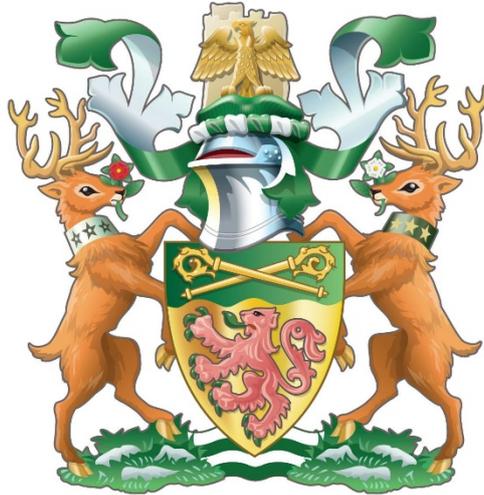
MARSHALL SCOTT
CHIEF EXECUTIVE

BACKGROUND PAPERS

(If any)

For further information please ask for Heather Coar, extension 4466.

REF: HC/CMS/P&D/18



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

BUILDING CONTROL BUSINESS POLICY JULY 2016

Contents

Section	Page
1. INTRODUCTION	3
2. RESOURCES	3
3. PRE-APPLICATION SERVICES	4
4. ASSESSMENT OF PLANS	4
5. SITE INSPECTIONS	5
6. CERTIFICATE OF COMPLETION	6
7. ARCHIVING RECORDS	6
8. BUSINESS ETHICS	7
9. COMPLAINTS	7

1. INTRODUCTION

Ribble Valley Borough Council (RVBC) has a statutory duty to provide the building control function and to enforce the minimum standards as required by The Building Regulations in the district under the Building Act 1984. In addition, as required by the Department of Communities and Local Government (DCLG), the Council are required to publish a business policy.

The local authority building control service is open to competition from the private sector, i.e. Approved Inspectors. Ribble Valley Borough Council is seeking to retain a substantial market share of the business that local authorities enjoy at present. The Council provides an excellent service to compete with the private sector, with the advantages of a reactive service, geographical location and substantial local knowledge.

The Council operates a responsive, proactive, helpful and customer focussed building control service, aiming to help developers, businesses and local people achieve successful building projects. This is achieved by recognising and meeting the needs of the customers of the building control service. It is essential therefore, that the various customer groups clearly understand what they can expect from the service if they are to continue to acknowledge its value to the local community. Ribble Valley Borough Council is working towards achieving the minimum standards as set out in the Building Control Performance Standards for England and Wales. The intention is to

1. monitor performance, and
2. review performance, and,
3. publish performance data.

The Council will review performance against objectives and publish performance data on an annual basis.

2. RESOURCES

The Council has one Principal Building Control Surveyor, one part-time Building Control Surveyor, one full-time Building Control Surveyor and one full time Administrative assistant. Building Control Surveyors are qualified and experienced in the application of Building Regulations and keep up to date with changes in legislation, construction methods and the building control profession, by undergoing CDP.

Contact details for the staff are included on the website. At times of staff shortages due to holidays, sickness and vacations, building control staff use their professional skill and judgement, taking due account of all relevant factors, to determine an appropriate inspection regime. If necessary, appropriate consultants will be appointed by the Principal Building Control Surveyor to assist in maintaining good customer service. The timescales below are targets and on most occasions it is intended that these will be met and exceeded.

The Council is required to recover the cost of providing the Building Control service through charges, with surplus amounts being re-invested into the service provision. The charges for submitting building regulation applications, building notices, applications for a regularisation certificate, etc are as detailed in its charges scheme currently in force.

The table of scale of charges is published on the Council's website.

3. PRE-APPLICATION SERVICES

To assist with the design process and the plan examination process, the building control service offers pre-application advice and assistance. The service extends to all aspects of the regulations but often provides proves the most useful with matters relating to means of escape, fire precautions (Requirements B) and facilities for disabled people, (Requirements M). Advice concerning the procedures for making an application will also be given. A charge of £25 will be made if a meeting or site inspection is requested and the amount will be refunded when a full plan application has been submitted.

Advice on methods of submitting an application is provided on the website.

Relevant application forms are provided on the website

Telephone advice on methods of submitting an application will be provided.

4. ASSESSMENT OF PLANS

A fast, effective and accurate plan assessment process will be provided to enable customers to proceed with works with the minimum delay. Customers will have the assurance where full plan service is used that the approved plans show compliance with the relevant regulations.

Following submission of a building regulation application, the Council reviews whether or not the charge received is sufficient or excessive, correct completion of the application form and that relevant suitable plans accompany the form and fee.

The Council will contact the Applicant (or Agent) or acknowledge receipt of the application within 10 working days.

The plans will be examined for compliance with the regulations currently in force and allied legislation.

Full plans applications will be assessed for compliance within 20 working days of submission.

The plan checking process may raise requests for further information or the plans may need To be amended due to non-compliance with the regulations. Where this applies, the Plan checking Surveyor will contact the Applicant or their Agent by phone, post or email.

The Council will inform the Applicant of their Agents of required amendments due to non-compliance or request further information and the time limits of providing such within 20 working days of submission of the application.

Where statutory consultations are required to be undertaken, the Council will carry out the consultation.

A copy of the response of the Consultee will be sent to the Applicant or their Agent, within 5 working days of receipt of the response.

Full plan approvals, conditional approvals or rejections are issued within the statutory time periods. Conditional approvals will identify the condition of the approval and how these can be met. Rejection notices will be avoided by discussion with the Applicant, or their Agent.

Decision notices will be issued within 5 weeks of submission of the application, or 8 weeks with the Applicants, or Agent's consent.

Where a dispute arises over the application or interpretation of the Regulations, remedies available in the event of dispute will be provided on the website.

Building Regulations approvals are remain valid for 3 years. Approved plans for works which have not commenced within 3 years of the date of deposit may be declared of no effect in accordance with section 32 of the Building Act 1984.

A notice confirming expiry of Building Regulation approval will be issued 3 years after the approval date if a notice of commencement has not been provided.

5. SITE INSPECTIONS

The Council has a duty to inspect work in progress at certain stages to ensure compliance with Building Regulations. Where plans are submitted, inspections ensure the proposals are carried out and variations and amendments can be checked for compliance on site. Where plans are not submitted, i.e Building Notice submissions, inspections are the only method of ensuring compliance.

The Applicant, or their Agent has a duty to notify the Council at certain stages of progress of the works. Inspections of building works will be made at each stage of which a statutory notice is received as required by regulation 16 of the Building Regulations. This can be by post, email or telephone. The Applicant or their Agent will be informed of the relevant stages when they should request an inspection.

In order to prevent delays to the progress of the works, the Council provides a reactive service.

Where site inspection requests are made before 4pm, the site inspection will be carried out on the following day, or as requested by the Customer.

Inspections will also be made at other stages where it is considered that additional inspections are desirable. The site inspection regime takes full account of relevant factors:

- the degree of detail on drawings and design information;
- nature of the work;
- experience of and/or previous contraventions by the builder;
- complexity of projects and rate of build;
- unusual or high risk features;
- reliability of notification arrangements

The above factors are assessed at the commencement of the project and regularly reviewed as the work proceeds.

Records of each inspection are made and retained, identifying the work inspected, compliance and any non-compliance. Where the application has taken the form of a building notice and no detailed plans are available, the work of the inspection regime and records will be of utmost importance.

A copy of the site inspection report will be issued to the Applicant's representative on site at the time of the inspection.

In the case of inspection of work which is non-compliant, agreement will be sought from the Applicant's representative on site to rectify the non-compliance.

When agreement cannot be reached to rectify non-compliance, a copy of the site inspection report will be sent to the Applicant within 5 working days.

When defective work has not been rectified with a reasonable period, a copy of the site inspection report will be sent to the Applicant within 5 working days of the failure to resolve.

Where contraventions (non-compliance with Building Regulations) continues and agreement has not been reached to rectify, the Council will issue a notice of contravention. Any notice to this effect will identify the nature and extent of contravening works and action required and considered necessary to remedy the situation. The notice will provide a time limit within which remedial works should be carried out and enforcement action available to the Council in cases of continued contravention.

In cases of dispute about application or interpretation of the Building Regulations, information is provided on the Council's website on the procedure for resolving disputes.

In cases of departure from the plans during the construction stage, where Statutory Consultees have commented during the plan checking process, the Council will notify the Consultee of any significant departure from the plans noted during the inspection stage.

6. CERTIFICATE OF COMPLETION

A final inspection will determine that the works have been completed and identify outstanding items to be rectified and certificates that are required. When the Council are satisfied that works with the substantive requirements of the building regulations, a completion certificate will be issued to the applicant. Where the Council is statute bound to do so, a copy of the certificate will also be sent to the fire authority.

A final inspection will be carried out within 5 working days of the request by the Applicant or their Agent.

The final certificate will be issued within 2 working days of the Council being satisfied that works comply with the substantive requirements of the building regulations.

7. ARCHIVING RECORDS

All records relevant to Building Regulation compliance are retained for a period of 15 years.

8. BUSINESS ETHICS

As the service is operating in competition with the private sector, the section will observe the higher stance of business ethics at all times. All documentation relating to building control matters will be written in a plain language. The Council applies an Equal Opportunities Policy and all customers will be treated positively, equally and helpfully.

9. COMPLAINTS

The council has a complaints policy and procedure in place which is published on the website, providing a named person to contact in the first instance.

If you are dissatisfied with application or interpretation of the Building Regulations, methods to proceed in case of dispute are published on the Council's website.