Devon Building Control Partnership

Teignbridge DISTRICT COUNCIL South Devon

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2 August 2022

DEVON BUILDING CONTROL PARTNERSHIP COMMITTEE

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Friday, 12th August, 2022** in the Confernce Room, Teignbridge Business Centre, Cavalier Road, Heathfield, Newton Abbot, Devon, TQ12 6TZ at **10.00 am**

Yours sincerely

PHIL SHEARS
Managing Director

Distribution:

(1) The Members of the Devon Building Control Partnership Committee (subject to confirmation of Executive Members by the Leader)

Councillor Hilary Bastone	South Hams District Council
Councillor John Birch	South Hams District Council
Councillor Gary Taylor	Teignbridge District Council
Councillor Terry Pearce	West Devon Borough Council
Councillor Barry Ratcliffe	West Devon Borough Council
Councillor Linda Goodman-Bradbury	Teignbridge District Council

A link to the agenda on the Council's website is emailed FOR INFORMATION (less reports (if any) containing Exempt Information referred to in Part II of the agenda), to:
(1) All other Members of the Council
(2) Representatives of the Press
(3) Requesting Town and Parish Councils

Public Access Statement

- There is an opportunity for members of the public to ask questions at this meeting. Please submit your questions to comsec@teignbridge.gov.uk two working days before the meeting.
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- Reports in Parts I and III of this agenda are for public information. Any reports in Part II are exempt from publication due to the information included, under the provisions of the Local Government Act 1972.

A G E N D A

Part I

Part I (Open to the Public)

1. Apologies for absence
2. Election of Chair

   South Hams
3. Election of Vice-Chair

   West Devon
4. Minutes (Pages 5 - 6)
5. Declarations of interest.

   If Councillors have any questions relating to predetermination or interests in items on this Agenda, please contact the Monitoring Officer in advance of the meeting.
6. AGM DBCP Operational Plan Q1 2022-23 Part 1 (Pages 7 - 18)
7. AGM Q1 2022-23 Operational report Part 1 (Pages 19 - 22)
8. Local Government (Access to Information) Act 1985 - Exclusion of Press and Public

   It is considered that the Committee would be unlikely to exclude the press and public during consideration of the items on this agenda, but if it should wish to do so, the following resolution should be passed:-

RECOMMENDED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting of the particular item(s) on the grounds that it involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12A of the Act.

Part II (Private)
Items which may be taken in the absence of the Public and Press on grounds that Exempt Information may be disclosed.

9. AGM Q1 2022-23 Operational report Part 2 (Pages 23 - 28)

10. AGM Financial Monitoring Report 2021-2 Part 2 (Pages 29 - 34)

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DEVON BUILDING CONTROL PARTNERSHIP COMMITTEE

6 MAY 2022

Present:

Councillors Birch, Taylor and Pearce

Apologies:
Councillors Bastone, Haines and Ratcliffe

Officers in Attendance:
Christopher Morgan, Trainee Democratic Services Officer
Nigel Hunt, Head of the Partnership
Lisa Lake, Business Development and Support Manager
Drew Powell, Corporate Director

92. MINUTES

Due to the absence of the chair and vice chair, Cllr Pearce was elected as chair for the meeting. This was proposed by Councillor Taylor and seconded by Councillor Birch.

The minutes of the previous meeting were agreed as a correct record by the committee.

93. PART 1 OPERATION REPORT

The Committee discussed the operations of the partnership. This included hiring of staff, events including the South West LABC Conference in March, and positive feedback. Staff continued to be busy with the workload.

The Head of the Partnership would look at attending Overview and Scrutiny to provide an update on the work done by the Partnership.

94. PART 2 MAY 2022 OPERATIONAL REPORT

The Committee discussed the operations carried out by the Partnership. This included events, staffing, budgets, and hiring.

It was proposed by Cllr Taylor and seconded by Councillor Birch that the Head of the Partnership discuss a recruitment matter with SLT. This was agreed unanimously.

95. PART 2 OPERATIONAL PLAN Q4 2021-22

The Committee discussed the contents of the operations plan. This included activities, strategy, and leadership structure.

96. PART 2 QUARTERLY FINANCIAL MONITORING REPORT MAY 2022

The Committee discussed the Financial Monitoring report. This included budgeting, reserves, income, and training.

The meeting started at 10.45 am and finished at 12.00 pm.

Chair
Cllr Mike Haines

Operational/Business Plan 2022/23

Edition	**Q1**
Revision Date	**22/07/2022**
Author	**Nigel Hunt**

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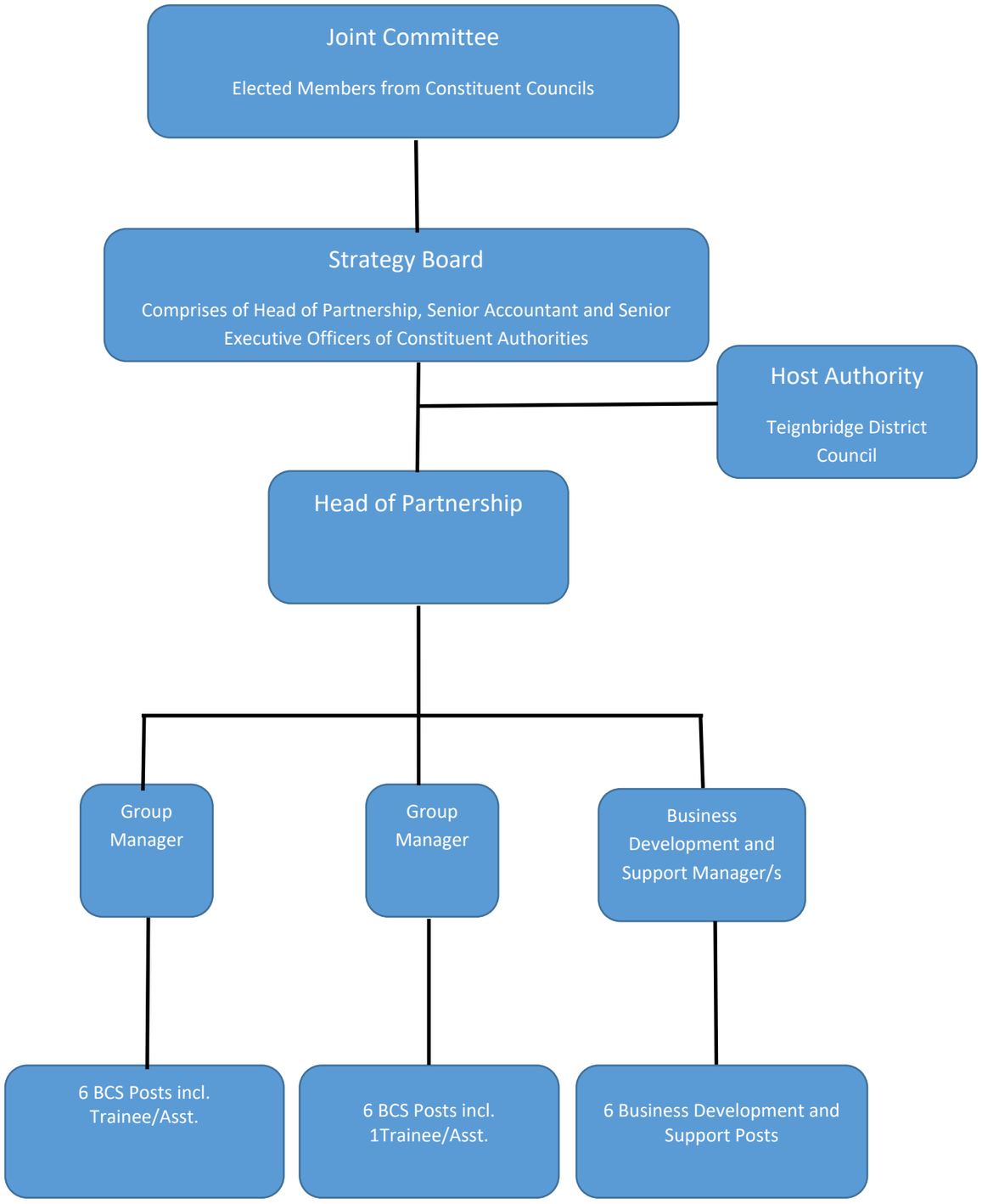
Section 1 – Introduction and Partnership Drivers

Main functions of the team	
What do we do?	**This Operational Plan has been developed for the Devon Building Control Partnership which carries out the Building Control functions for Teignbridge District Council, South Hams District Council and West Devon Borough Council.** The main function of the Partnership is to ensure that the Councils can meet their statutory and regulatory duties in respect of building control matters in a timely manner. It is a statutory service, which administers legislation relating to the built environment and operates in such a manner as to establish and maintain a high reputation for both itself and the partner councils. It therefore aims to provide a responsive service, which is of a consistently high standard and gives value for money to its customers. The service has two elements which are described as fee earning and non-fee earning work. The building regulation aspect of the service is income generating and in accordance with The Building (Local Authority Charges) Regulations 2010 and CIPFA accounting requirements. This aspect of the business must be self-financing over a continuous three-year rolling period. The non-fee earning part of the service is funded by the council taxpayer and includes dangerous structures, enforcement, demolitions, support for the safety advisory group and consultancy services to other council services. Local authority building control is subject to competition from private sector building control bodies (approved inspectors or AI's) operating both regionally and nationally. This competitive scenario is applicable across all developments including domestic extensions, new housing, and commercial developments. This gives all applicants a clear choice between the Local Authority Building Control Service (LABC) and private sector building control Approved Inspector (AI) services. This choice may be based on cost alone or a number of other factors such as the quality of site inspection service, ease of contact, early involvement in the design process or flexibility in making decisions. However, it is made, the Partnership must try to compete effectively Despite this choice, the Local Authority retains a statutory duty to enforce the building regulations in its geographical area. Approved Inspectors are not able to perform this function and sites which cannot be signed off by AI's revert to Local authorities for enforcement. Thus, irrespective of workload and income, all councils must retain a Building Control Service at some cost to the Authority. The service is also subject to a continuous programme of both administrative and technical legislative change, this means that management objectives and priorities may change at short notice. **Building Regulation Fee Earning Service** This service is concerned with determining compliance with Building Regulations by assessing plans and carrying out site inspections at different stages of the building process. Customers are advised of contraventions of the building regulations and how they may be overcome. Legislation allows prosecution in the magistrates' court for contraventions of the Building Regulations but is only used as a last resort. This element of the service's work is subject to competition by the private sector. **Non-Fee Earning Work** Building Control provides a number of services which are necessary as part of a local authority service. These include: • Dangerous Structures. • Enforcement of Building Regulations • Demolitions. • Registering AI Initial Notices and Competent Person Scheme works. • Process disabled person's applications.

	• Provide advice to other council services. • Safety advisory group / safety at sports ground. • General pre-application and building regulations advice. These elements of building control work do not require payment of a building regulation charge and are not required to be self-financing. **NB Opportunity and Risk Assessments are now held on the internal management system.** **Main activities** The main activities of the Building Control service are as follows: Provide advice to customers about the need for planning and building control permission. • Undertake Inspections on building work to ensure compliance with relevant standards and legislation • Ensure the health, safety, and welfare of persons in and about buildings • Provide advice to customers and partners on Building Regulation matters • Enforcement of Building Regulations • Organise and run the annual Building Excellence scheme • Promoting energy conservation in homes. • To contribute to the delivery of the partner council's corporate housing strategies by helping to improve the quality and standard of private sector housing
Who do we deliver to?	The Partnership has a diverse range of customers, stakeholders and partners (within and outside the organisation). These include. Applicants, agents, internal teams, Parish Councils, members of the public, elected Members, external statutory and non-statutory consultees, other Local Authorities and Professional Bodies
How do we deliver?	The vast majority of services provided by all functions within the service are delivered using a combination of in-house resources and partnership with external organisations. However, it should be noted that a large part of the Building Control function is carried out in a competitive marketplace and is subject to commercial pressures.
Which elements of our service are statutory or discretionary?	The determination of Building regulation applications, dealing with Demolition Notices and ensuring Health and Safety of the public with regard to dangerous structures. All other elements of the service are discretionary. The Partnership will proactively consider additional discretionary services which would generate income, such as fire risk assessments, access statements, SAP calculations and acoustic testing.

Strategy map measuring performance delivering the service

DBCP STRUCTURE



Section 2

Operational Priorities 2021-22

Priority	Specific Actions	Due	Measure and Milestones			Responsible person	Quarterly Progress (RAG)	Comments
			Description	Target	Actual			
Ensure that the Partnerships functions are managed in line with outcomes defined in agreement with the board and supporting agreements	Ensure all finances are effectively managed	Q1-4	CIPFA protocols followed and a balanced budget is delivered of a rolling three to five-year trading period	Annual sign off by Sec 151 Officer	Ongoing	NH		Finances reviewed monthly.
	Yearly Operational/Business plan agreed with partnership board	Q1-4	Produce a plan which clearly sets out the targets and performance levels required.	Annual sign off by Board	New plan to be presented in Q4 each year	NH		Agreed by partnership board
	To provide effective leadership for the Building Control Partnership	Q1-4	Develop the Partnership strategically to provide high quality building control services and ensure that partners meet their statutory obligations under the relevant legislation.	Operational Plan agreed by Board	New plan to be presented in Q4 Each year	NH		As above
Ensure the Partnership is fully aware of the proposed changes in legislation and the responsibilities associated thereof.	The Partnership will need to adapt to the significant changes being brought about by the introduction of a new Building Control Regulator now set in statute as well as new legislation relating to fire safety.	Q1-4	Develop the service to ensure any new proposals can be serviced effectively. All surveyors have registered for training through LABC and New Burdens funding to become licensed.	N/A	N/A	NH		The partnership is already preparing itself for the changes by up skilling existing staff. The Govt. has provided New Burden funding to facilitate this
	Implement the new Building Regulations and associated legislation.	Q1-4	The proposed changes are the most significant and wide ranging in over 30 years and will have a significant impact on the application and provision of Building Control.	N/A	N/A	NH		Updates will be provided to the strategy board throughout the year.
Implement and update the LABC Quality Management System (ISO 9001:2015)	The LABC system will ensure that all LA Building Control providers undertake their roles and responsibilities to agreed standards across the country. In particular it focuses on service delivery, timeliness, and provision of information, professionalism and staff attitudes.	Q1-Q4	Continually review current working practices and protocols.	100%	100%	NH		Quarterly review of performance against requirements.

Develop a Medium-Term Financial Plan	A new MTFP will need to be developed against the background of issues arising from Covid-19 and possible recession. This will contribute to future business planning of the service	Q1-Q4	A MTFP will consider all potential financial impacts on the service over a 5-year period. Consideration will be given to possible changes to the general economy and the construction industry specifically. The plan will also outline proposals for a reserve fund and actions to reduce surpluses.	100%	Ongoing	NH		The MTFP has been updated to reflect previously agreed changes and will continue to monitor market conditions.
Develop a commercial approach to support business growth	Carry out detailed business analysis to understand current market share Identify realistic growth (or stabilisation) targets in key market sectors	Q1-4	Ensure the service fully understands its position in the BC marketplace, including market share, key strengths, and changes over time	100%	Ongoing	NH		Market position/share monitored monthly
			Regular business analysis supports key business decisions in commercial environment	100%	Ongoing	NH		Business performance monitored closely
			Percentage market share stabilises, and business invests in growing priority areas	Maintain levels of market share 70% or above.	Q1 87%	All Staff		Market share has been maintained above agreed levels
Take a positive and proactive approach to the determination of Building Regulation applications in a timely manner.	Building Control to register submitted applications within 5 working days	Q1-4	Applications registered within prescribed periods. Validation and registration of applications within 5 days.	80%	Q1 100%	All Staff		Commentary provided quarterly
	Initial check for compliance of Building Control application within 3 weeks. Request for additional information if required.	Q1-4	Full plan submissions checked for compliance with building regulations any additional information requested	80%	Q1 95%	All Staff		Commentary provided quarterly
	Approve or reject Building Control Full Plan applications within 8 weeks	Q1-4	Full plan applications need to be decided within a statutory 8-week period. If no decision is made applicants can claim back fees	100%	Q1 99%	All Staff		Commentary provided quarterly
	Requests for site inspections received before 4 pm will actioned the same day	Q1-4	Respond to request for site visits in a timely manner.	90%	Q1 100%	All Staff		Commentary provided quarterly
Promote a healthy and safe environment	Provide a responsive dangerous structure service	Q1-4	Respond within agreed timescales	100%	Q1 100%	All Staff		Commentary provided quarterly
	Respond to demolition notices in a timely manner	Q1-4	95% of notices responded to within 1 week	100%	Q1 100%	All Staff		All notices registered and acted upon within timescales
	Support area Safety Advisory Groups	Q1-4	Attend meetings as required	Ongoing	Ongoing	All Staff		Meetings attended where BC input required
Maintain and improve market share	Devon Building Control Partnership services are used on the majority of applications registered within the	Q1-4	Promote and market the service at all possible opportunities. Utilise customer feedback information and	Ongoing		All Staff		Market share is being maintained and it is hoped that new ways of working will

	geographical area of the Partner Councils. Targets laid out in Marketing Plan/Strategy		industry trends for market intelligence.		Ongoing			increase the percentage.
Provide timely pre-application advice to customers and realise an opportunity for additional income for the Council.	Meet with customers on request to advise on Building Regulation requirements	Q1-4	Building Control surveyors available to customers by attending the partner offices or on site by appointment.	Ongoing	Ongoing	All Staff		Staff are actively engaging with clients via online platforms or in person.
	Building Control Surveyors will act as account managers with registered partners	Q1-4	Will enable single point of contact regarding pre-application consultation	Ongoing	On going	All Staff		All surveyors have a client portfolio.
Use customer feedback to deliver continuous service improvements and increased customer satisfaction.	Meet with customers twice yearly through the liaison panel to identify areas for improvement and report back on actions taken if appropriate.	Q1-4	Twice yearly meetings held with customers and actions taken.	100%	Next meeting TBA in Q3	NH		Meetings are informal and are held after a CPD event. An event has been organised for each quarter.
	Take action where complaints are considered to be justified.	Q1-4	Action taken where complaints are justified.	100%	Ongoing	NH		No complaints during the year
	Ensure that all cases of service feedback whether praise or complaint is recorded and reported. Review each case so that the service can learn and reinforce those areas of delivery.	Q1-4	Praise exceeds justified complaints.	100%	Ongoing	NH		Customer feedback is recorded and in some cases presented on the SBCP website.

Section 3 - Risk Register

Managers Comments

The Head of Partnership meets regularly with members of the constituent Councils as part of a Strategy Board to discuss performance and strategic direction.

The first quarter of 2021/22 continued to be a challenging one for the Partnership with consistently high levels of applications, particularly with regard to the introduction of new legislation, and a reduced workforce due to long term illness, maternity leave and the inability to recruit an additional surveyor. Currently workloads for all staff are high and morale is suffering which could cause issues with staff retention. In an attempt to mitigate this the Head of Partnership and members of the Strategy Board are looking at ways to mitigate these issues.

More clarity arising with regard to new legislation along with increased roles and responsibilities for Building Control staff. The Head of Partnership will hold briefings as when necessary.

All surveying staff have registered with LABC and undertaking training for evaluation ahead of the need to be licensed from 2023.Staff need to be congratulated that, even though there have been significant pressures, they have continued to achieve and in most cases exceed the Key Performance Indicators.

During Q1 application numbers have remained high compared to previous years, notwithstanding the spike in June, and the Partnership has maintained high levels of market share, above those held by neighbouring Local Authority Building Control Services. The Partnerships market share has continued to be high with Q1 showing an average of 87%.

The Partnership has recommenced our online briefings/training events and held its awards event in Q1 of 2022/23, which was highly successful. As a result the partnership has 13 finalists in the LABC South West Building Excellence Awards. The Partnership also exhibited at the Devon County Show in June.

Date	Risk No	Risk Rating	Current Risk	Trigger	Consequences if Risk Realised	Mitigation/Action Points for Risk Owners	Priority
28/06/2022	01	H	Economic downturn resulting in low numbers of applications. The current situation surrounding Covid-19 and Brexit is a major concern and will be monitored closely.	Fall in income and application numbers	Insufficient income to cover expenditure on fee earning account resulting in extra pressure on each partner authority to fund the deficit in the agreed proportions	Reduced expenditure to limit income deficiency. Partnership may need to access additional funds from the ring-fenced surpluses already generated.	1
28/06/2022	02	M-H	Inability to sustain growth and acquire additional business.	All three schedules: residential, commercial, and domestic show signs of reduced application	Surveyors carry out uneconomic site visits or transfer workload to additional/non fee earning work. Increases in the latter would be unfunded from authority contributions.	Invest in training and development of staff so as to diversify resources into consultancy work. Improved time analysis monitoring to ensure agreed percentage split.	2
28/06/2022	03	L-M	Failure to suitably develop staff to meet the needs of the business and match personal self-improvement expectations.	The market is regularly changing to offer alternative services to clients which compliment building regulation work. The Partnership requires staff to be trained to deliver the same services and remain competitive.	Insufficient skill base would result in customers being more attracted to the competition with a resultant loss in work.	Ensure staff are well trained and able to compete with the services offered by the private sector. Develop training matrix to ensure staff development through PDR process.	2
28/06/2021	04	H	Loss of qualified staff not only to private building control providers and other local authorities but the new Building Control Regulator. This risk has increased, as the market locally and nationally, is offering significant better pay and conditions in both the public and private sectors. This should also be considered as a factor not only in recruiting staff, but also in terms of retention.	The loss of any staff members, at all levels.	There is a significant risk of staff moving due to better pay and conditions. As there is a national shortage of suitable staff, the opportunity to recruit is reducing.	Ensure staff are motivated and are provided with job satisfaction. Look to develop Assistants and Trainees as part of a 'grow your own policy'. Review terms and conditions.	1

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Devon Building Control

DEVON BUILDING CONTROL PARTNERSHIP COMMITTEE

MEETING DATE 12 AUGUST 2022

Report Title	Operational Report Part 1
Purpose of Report	To provide an update on the operational performance of the Partnership between April and June 2022
Recommendation(s)	**The Committee RESOLVES to:** **(1) Note the report**
Financial Implications	No specific financial implications highlighted in the report. Anita Carpenter Tel 01626 215248 anita.carpenter@teignbridge.gov.uk
Legal Implications	"no specific legal implications"
Risk Assessment	The risks to the Partnership are currently being managed. Nigel Hunt Tel: 01626 215721 Email: nigel.hunt@devonbuildingcontrol.gov.uk
Environmental/ Climate Change Implications	The ability of Building Control to deliver services during times of increased restrictions on physical site inspections may have implications on the energy and carbon performance of buildings, however, experience from the initial lockdown in Spring 2020 and an increase in agile working should help to mitigate any significant negative effects. William Elliott Climate Change Officer William.elliott@teignbridge.gov.uk
Report Author	Nigel Hunt Tel: 01626 215721 Email: nigel.hunt@devonbuildingcontrol.gov.uk
Partnership Chairman	Cllr Mike Haines mike.haines@teignbridge.gov.uk
Appendices	
Background Papers	None

1. PURPOSE

The Partnership operates under the Devon Building Control Partnership Agreement 2017.

2. REPORT DETAIL

The reports foe the Joint Committee meetings are supported by the Partnership's Operational/Business Plan. This will be the main source of information/discussion with additional sensitive information contained in the Part 2 report. Also, as all financial information is considered confidential under the various Cipfa guidelines and Local Government Acts pertaining to Building Control there will no longer be any such information disclosed in Part 1 reports. The only financial data that the partnership is obliged to publish is a brief summary of our end of year accounts

2.1 Operation

The Partnership has been in operation for 17 years and is hosted by Teignbridge District Council

The Partnership continues to successfully deliver the building control service across the three Authorities, maintaining high standards, meeting all statutory PIs and continues to operate within agreed annual budgets.

Performance

The Partnership continues to maintain all levels of service relating to PIs and receives positive comments from customers.

Staff

A recent service review has identified additional staffing requirements which the Partnership has had limited success in fulfilling.

Marketing and events

The Partnership has re-commenced hosting events for customers and clients. The Partnership held its first evening Awards Ceremony in May 2022, which was a highly successful event. The winners in each category were encouraged to enter the South West Regional LABC Awards and we are delighted to announce that we have 13

Finalists. Judging for which will be held in September. The Partnership also exhibited at the Devon County Show.

2.2 Legal

The Partnership, currently hosted by Teignbridge District Council, meets quarterly to monitor its performance. Performance monitoring is required under the Partnership Agreement that came into operation on 1st April 2017

2.3 Risks

Risks to the Partnership's business are documented and reviewed annually.
The risks to the Partnership are:

Failure to deliver the service

Staff resourcing

Loss of Market share

Lack of ability to react to changes in policy/legislation

Changing workload

Failure to break even financially

Withdrawal of a Partner council

2.4 Environmental/Climate Change Impact

There are no direct carbon/environmental implications arising from the recommendations in the report. However, it should be noted that the Partnership will be taking an active role in supporting the South West Energy Partnership (between Devon, Bristol and Plymouth Councils) on low carbon projects in the region, primarily retrofit.

3. CONCLUSION

The Partnership Account continues to be managed by the Host Council in accordance with the Partnership Agreement, maintaining cost effectiveness and in accordance with agreed budgets.

4. APPENDIX

Devon Building Control Partnership Operational Plan 2022/23 – Quarter 1

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