

12 December 2023 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

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Development & Conservation Advisory Committee

Supplementary Agenda

	Pages	Contact
9. Building Control Update Presentation shown at meeting	(Pages 1 - 14)	

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Building Control Update

Duncan White

Building Control Manager

New Legislation

Building Safety Act 2022 – *New*

171 sections, 11 Schedules, most of which came into force 1st October 2023

Over 25 pieces of new secondary legislation since April 2022 including:

The Building (Restricted Activities and Functions) (England) Regulations 2023 – *New*

5 sections

Page 2 The Building Safety Act 2022 (Consequential Amendments etc.) Regulations 2023 -
17 sections – *New* (amending section 8 – County of Kent Act 1981) -

The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023 – *New*

66 sections, 3 Schedules

The Building Regulations etc. (Amendment) (England) Regulations 2023 – *New*

25 sections -

Building Safety Act 2022 (Commencement and Transitional) Regulations 2022 and 2023
Numbers 1 to 5 – *New*

The Building Safety (Responsible Actors Scheme and Prohibitions) Regulations 2023 – *New*

43 sections

Building Act 1984

Additional 79 sections

Building Regulations 2010

Additional 46 sections

Main Change to Building Control

- Building Control is now a Regulated profession.
- The HSE set up the Building Safety Regulator (BSR)
- The BSR takes on:
 - Building Control responsibility for High Rise Residential and other High Risk Buildings (HRBs)
 - Monitoring of performance and standards for (Local Authority and Private Building Control)
 - Responsibility for ensuring accountabilities functioning correctly in existing HRBs and completed HRBs

Changes for Building Inspectors

- Local Authority and Private Inspectors have to be Registered to a standard set by the BSR.
- Local Authority and Private Inspectors have to abide by the same 2 documents produced by the Building Safety Regulator:
 - **Operation Standards Rules**
 - **Operational Standard Rules monitoring arrangements**
- Changes to office processes and paperwork, record keeping, and enhanced enforcement powers
- Less support can be given to builders, home-owners and designers. Advice only can be given as to where non-compliance exists and possible options in order to comply.

Key highlights from the new Legislation

- Legal responsibility for ensuring building work complies with the Building Regulations, rests with the Client, the Designer and the Contractor
- Client has a legal responsibility within the Building Regulations to appoint competent persons. Active enforcement not required by Building Control, but will be part of an enforcement investigation
- Building Control Surveyor now legally not able to give specific design advice
- Building Control are now:
 - “Compliance Assessors and Regulators”
- Regulation of Private Inspectors now with the BSR
- Building Control have stronger enforcement powers

Compliance and Stop Notices

- Compliance Notices
 - Requires the recipient to take specified steps in a specified period
 - Requires the recipient to remedy the contravention or the matters giving rise to it within a specified period, without describing what must be done
- Stop notices
 - A Compliance Notice has not been complied with
 - The work contravenes the Building Regulations and there is “serious risk of harm” to people in and around the building(s)

New legislation comes into force when?

- 1st October 2023 and 6th April 2024
- But applied depending on when the application was made and when work started
- DLUHC and the BSR still providing advice on interpretation and application of new legislation
- New related legislation still being produced to back up original Building Safety Act

Building Control at Sevenoaks

- High Customer Satisfaction - A well respected service
- Popular (as a Building Inspector can be)
- 70% market share
- Application numbers are down, but that is national and Approved Inspectors notices are down as well
- Fees raised in April 2023 and income from applications is steady and covering all BC costs
- Surveyors will be able to check all work up to 18m high except:
 - Non-standard buildings (but they can be checked “under supervision”) eg:
 - In patient health care
 - Industrial buildings - hazardous substances/processes
 - Non-standard warehousing
 - Regulated stands/stadia/indoor arenas
 - Volumetric buildings

Progress - Change Management

- New Notices and Certificates being created
- New application forms being created
- Office processes being reviewed and adapted
- Integrating new guidance as it becomes available

My current objectives:

- To maintain market share and maintain high standard of service
- To introduce changes to office processes to ensure that we take advantage of any efficiencies that are available
- To introduce improvements and changes with the minimum of fuss and impact on our customers

What are Building Control's plans?

- Set up processes for enforcement of regulations, improved information gathering
- Provide additional information for applicants, builders and designers
- New online portal for submitting applications being developed with Customer Solutions to link with back office software
- Monthly newsletter for builders and designers being considered, giving support and information.
- Building Control awareness training to peer groups to enable better collaboration and better customer outcomes

Some implications for Building Control

- Change of role
 - More towards the HSE model.
 - Less definitive support to designers and contractors
 - Could drive clients to private inspectors

Increased paperwork

- Could drive the black market
- Enforcement is non-fee related, only able to claim costs if goes to court. Costs therefore borne by the Council
- Require more officer time for enforcement and not to controlling building work
- Could drive clients to private inspectors

Other Changes (not Building Control)

- **Responsible Actors Scheme** restricts who will be able to carry out design and construction of certain building work, mostly HRBs
- The **National Construction Products Regulator** (NRCP) will oversee a more effective construction products regulatory regime and lead and co-ordinate market surveillance and enforcement in this sector
- The **New Homes Ombudsman Scheme** will allow relevant owners of new-build homes to escalate complaints to a New Homes Ombudsman.
- **Architects Act** amended to allow the Architects Registration Board the power to monitor and assess the competence of Architects
- **Building Liability Orders** amended extending liability for a project to parent and sister companies
- **Defective Premises Act** amended to extend the liability period for a claim

Thank you
Any questions

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