

To: City Executive Board
Date: 10 April 2019
Report of: Housing Panel (Panel of the Scrutiny Committee)
Title of Report: Scrutiny Committee recommendations concerning Building Control enforcement

Summary and recommendations	
Purpose of report:	To present Housing Panel recommendations on building control enforcement for consideration by the City Executive Board
Key decision:	No
Scrutiny Lead Member:	Councillor Nadine Bely-Summers, Chair of Housing Panel
Executive Board Member:	Councillor Alex Hollingsworth, Board Member for Planning and Transport
Corporate Priority:	An Efficient and Effective Council
Policy Framework:	Corporate Enforcement Policy
Recommendation: That the City Executive Board states whether it agrees or disagrees with the recommendations in the body of this report.	

Introduction and overview

1. The Housing Panel commissioned a report from the Head of Regulatory Services and Community Safety on Building Control enforcement. The Panel considered this report at its meeting on 8 April 2019 and would like to thank Councillor Alex Hollingsworth, Board Member for Planning and Transport (which includes Building Control), and Paul Smith, Building Control Team Leader, for providing the report and attending the meeting to take questions.

Summary and recommendations

2. The Building Control Team Leader provided an overview of the various aspects of the Building Regulations, which provide minimum standards for design, construction and alterations to buildings. The Council's Building Control team is not primarily driven by enforcement, which will rarely meet the public interest test due to the low levels of fines and costs awarded by the courts. Instead, compliance is encouraged through informal negotiation and the Council uses an 'escalator' approach when contraventions are identified. Building Control will identify

unauthorised developments in a number of ways and will seek to ensure compliance through a retrospective approval process known as regularisation.

3. The Panel explored the interactions between local authority building control functions and Approved Inspectors (AIs), which were originally introduced for residential building work in 1985 and whose role was significantly expanded in 2013. Local authority building control teams have to compete for work with private sector AIs but remain the only agencies that can take enforcement action. The Panel noted that AIs will undercut local authorities by providing the building control service for rock bottom prices, which raises concerns about their diligence. Where an AI is providing the service they must submit an initial notice to the Council but, once approved, the Council has no powers to inspect their work unless it is formally reverted back to the Council for enforcement. Such reversions are rare and the bodies responsible for 'marking their own homework' have little incentive to find fault with their work. It is hoped and expected that the Hackitt Review into the Grenfell Tower fire will help to drive up standards and improve accountability within this sector.
4. The Building Control Team Leader assured the Panel that the Council's Building Control team does what it can within the law to ensure high standards, citing an example of the Council standing its ground in a pressurised situation in the hours before the Westgate Shopping Centre was due to open. The service has been audited within the last couple of years and no major issues had been identified.
5. The Building Control Team Leader explained that as a consequence of the competitive market that exists, the Council's in-house Building Control team will not necessarily be selected to provide the building control function for Council-led development projects. This would have benefit of providing stronger quality control and keeping finance within the Council. Consideration could be given to whether it would be possible to address this through procurement.
6. In view of reported issues with defects ("snagging") at new build developments outside the city and skills shortages in the construction sector, the Panel considered how the Council can ensure that its new build social housing is delivered to the highest standards by third parties. The Panel heard that Building Control Surveyors will take a risk-based approach to sampling and inspecting the work of contractors but will be focused on ensuring minimum standards. The building control process alone therefore cannot be relied upon to deliver the higher standards the Council would expect. It is suggested that employing a Clerk of Works is one way for the Council as the client to exert its influence during the construction phase to ensure quality of delivery. Another approach might be to undertake a full condition survey.

Recommendation 1: That consideration is given to how to ensure that high quality delivery and best value will be secured when the Council (or its housing company) will be taking ownership of multiple new build properties, for example by employing or insisting on the employment of a Clerk of Works to oversee the quality and safety of the building work.

7. It was noted that the Council's Building Control service, in common with the wider Local Government Building Control sector, is stretched due to difficulties recruiting and retaining Building Control Surveyors. This is largely due to demographic challenges and competition from the private sector. Due to these staffing

challenges officers are exploring the option of entering into a working agreement with another local district council, in order to improve resilience and provide for a more robust service on a larger scale. In response to a question the Panel heard that one Building Control Apprentice has been successfully promoted to an Assistant Building Control Surveyor role. The Building Control Team Leader said that he is keen to take on a second apprentice and wants to ensure that good quality training and support can be provided from within the team. The Panel suggest that training building control apprentices locally by using permanent staff should remain a priority regardless of other solutions that may be used to address the staffing issues.

Recommendation 2: That the Council continues to prioritise the successful practice of employing and training apprentices within the Building Control Service, giving particular emphasis to the need to ensure that an appropriate level of training and mentoring is provided by permanent staff.

Further Consideration

8. The Panel noted that there may be merit in revisiting this topic once the recommendations of the Hackitt Review have been implemented.

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