

# Report

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| Report to:       | <b>Community and Enterprise Resources Committee</b>   |
| Date of Meeting: | <b>30 October 2018</b>  |
| Report by:       | <b>Executive Director (Community and Enterprise Resources)</b><br><b>Executive Director (Finance and Corporate Resources)</b> |

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| Subject: | <b>Adjustment to the Planning and Building Standards Service</b> |
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## 1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ seek approval for the changes to the Community and Enterprise Resources' establishment including the addition of 2.0 FTE Building Standards Inspectors (permanent) and 1.0 FTE Building Standards Inspector (temporary for maximum of 2 years)

## 2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that the changes to the Resource establishment, as outlined in section 6.0, be approved.

## 3. Background

- 3.1. The Council's statutory role as Building Standards Authority for its area is undertaken by the Building Standards service. This function sits within the Planning and Economic Development Service within Community and Enterprise Resources. The Building Standards Service is responsible for ensuring development is carried out in accordance with the Building Regulations and associated Technical Standards so that the health and safety users of buildings and the general public is protected. It also has a statutory enforcement role involving the inspection of dangerous buildings and structures and seeking remedy for unauthorised or defective work. As well as its statutory functions, the Building Standards Service carries out a range of important non-core business including emergency call out cover, licensing activity, liaison with disability groups, participation in the Operation Doric scheme (a dedicated response to doorstep crime in order to achieve Police Scotland's priority of reducing doorstep crime and the harm it causes) and property searches.
- 3.2. In March 2017, South Lanarkshire Council was re-appointed by Scottish Ministers as verifier for the Council area for the maximum period available of 6 years. The verification role involves the timeous and efficient processing of building warrant applications together with the inspection of works on site to ensure development is being carried out in compliance with the building warrant and technical standards. This appointment recognised the strong level of performance by the service. The terms of appointment are conditional on meeting certain performance requirements outlined in the Performance Framework for Verifiers (2017). This framework sets out

7 Key Performance Outcomes (KPO's) which seek to embed a culture of continuous improvement and cover items such as:

- minimise the time taken for customers to obtain a building warrant, or amendment to building warrant, whilst maintaining the appropriate levels of competent plan assessment
- promote quality and consistency of compliance assessment by undertaking timed and proportionate reasonable inquiries (site inspection) using a risk-based approach to inspection and other forms of assessment
- maintain financial governance - Building standards verification is intended to be financed by the building warrant and associated fees. Underpinning this KPO is the need to ensure that resources including funds, employees, IT and other infrastructure are fully harnessed to ensure efficiencies are maximised
- commitment to eBuilding Standards through the digitisation of verification services to improve customer interaction and maximise efficiencies.

The Scottish Government may, at any time, review the terms of verification appointment and have powers to either vary or terminate the appointment.

#### **4 Workload and Emerging Issues**

- 4.1. There has been a reduction in the number of operational surveyors within the Service from 17 in 2015 to 14. During this period, building warrant application numbers have remained constant, with 2776 applications received in 2014/15 and 2616 in 2017/18. More recently, there has been an increase in the number of multi-plot housing sites commencing work. This reflects the trend of an upturn in the economy which has seen increasing activity by developers, including housebuilders in South Lanarkshire. This in turn supports the objectives of the Council Plan Connect of making South Lanarkshire a place for business by encouraging the conditions for economic growth.
- 4.2. Benchmarking with other authorities shows South Lanarkshire had the highest number of building warrants granted per officer in 2017/18 and this correlates to 50% more than the number of applications per officer for that period when compared to the national average. This is in a period when the complexity of the Technical Standards against which applications are assessed has increased, for example through greater emphasis on energy issues and the increasing need to consider bespoke fire engineering solutions.
- 4.3. The management of sites (once a building warrant has been issued and work started on site) requires significant officer time in terms of site inspections and the associated processing of completion certificates. The Performance Framework referred to above now places additional requirements on verifiers in relation to the monitoring of works on site, including minimum inspection levels for all projects. The current demand for inspections will continue for at least the next 3-5 years based on programmed work by housebuilders. However, this position does not take account of housing and other key developments currently progressing through the planning and building warrant systems.
- 4.4. Following the Grenfell fire and the Edinburgh school failure, the Scottish Government set up two expert panels to review aspects of the Scottish building standards regulatory framework. The remit was to review compliance and enforcement aspects of the building standards system and review building standards and Technical Handbook guidance primarily relating to fire safety in high rise domestic buildings. Consultation has recently taken place on proposed changes to the building and fire

safety regulatory frameworks in order to help ensure the safety of people in and around Scotland's buildings.

The proposed changes outlined in the consultation aim to:

- improve compliance with building standards during the design and construction of all buildings, with a particular focus on complex and high value public buildings, making them safer for occupants;
- address fire safety related issues in relation to high rise domestic buildings and certain other residential buildings.

4.5. The main recommendations would place a greater emphasis and resources on ensuring the completed building is constructed in accordance with the approved design and being compliant with the regulations. There would be a greater emphasis on the inspection and testing role during construction and at completion, with a strong focus on safety critical aspects such as structure and fire safety.

4.6. The recommendations would, if implemented in full, have significant implications for the day to day activities of the Building Standards Service and would expand the current role of Building Standards in relation to enforcement and compliance. The Council in its role as verifier will be expected to be pro-active in ensuring applicants, owners and developers comply with legislative requirements related to the submission and granting of completion acceptances or temporary occupation certificates. The ability of the service to accommodate these requirements would be limited based on existing resources. Taking the workload and emerging issues together, it is appropriate at this time to review staffing levels to ensure the Council is in a position to fulfil its statutory duties as Building Standards Authority.

## **5 Proposed Introduction of Building Inspector Posts**

5.1. Consideration has been given to ways in which capacity within the Building Standards service can be increased to address the issues set out in section 4.0. In general terms the introduction of a new Building Inspector role is considered appropriate given the officer resources required to be committed to inspection of existing developments under construction and programmed to start in the next 3-5 years and the likely emphasis on pro-active intervention to ensure new buildings are being constructed in accordance with approved drawings as anticipated in the recommendations of the working groups. In turn, this would allow officers to dedicate increased time to carry out plan assessment and for team leaders to concentrate on the day to day management of their teams. Based on known developer output and the likely implications of the legislative change, it is considered 3 FTE at Building Inspector level should be added to the establishment.

5.2. In terms of funding these posts, there is currently 1 FTE Advanced Planning Officer post and 0.4 FTE Planning Enforcement Officer vacant within the Planning and Building Standards service. It is proposed that the employee costs are used to create 2 FTE permanent inspector posts.

5.3. In addition, fee income from the submission of building warrant applications currently exceeds the costs of operating the Building Standards service. This comes as a result of increases to fees that were introduced in July 2017. At the time, the Scottish Government stated that they expected the additional income to be re-invested in the service in order to ensure performance levels were at least maintained and improved over time. It is anticipated developer activity in the next 2-3 years will remain at the current level in the economic climate. As a result, fee income from building warrant applications is expected to remain stable for this period. It is, therefore, proposed

that 1 additional FTE post be funded from this income. This post would be for a temporary period for a maximum of 2 years to allow the position to be reviewed at the end of that period.

## 6. Employee Implications

### 6.1.

| Post                           | Current Number of Posts (FTE) | Proposed Number of Posts (FTE) | Grade           | SCP Range | Hourly Rate     | Annual Salary     | Gross Cost (inc on costs 30.3%) |
|--------------------------------|-------------------------------|--------------------------------|-----------------|-----------|-----------------|-------------------|---------------------------------|
| Advanced Planning Officer      | 1                             | 0                              | Grade 3 Level 8 | 77-80     | £20.21 - £21.16 | £36,881 - £38,614 | (£48,056 - £50,315)             |
| Planning Enforcement Officer   | 1                             | 0.6                            | Grade 3 Level 2 | 61-65     | £15.98 - £16.94 | £29,161 - £30,913 | (£15,199 - £16,112)             |
| Building Inspector (permanent) | 0                             | 2                              | Grade 2 Level 3 | 44-48     | £12.43- £13.19  | £22,683- £24,070  | £59,112 - £62,726               |
| Building Inspector (temporary) | 0                             | 1                              | Grade 2 Level 3 | 44-48     | £12.43- £13.19  | £22,683- £24,070  | £29,556 - £31,363               |

These posts have been evaluated using the Council's grading scheme.

## 7. Financial Implications

7.1. The proposed additional 3 FTE Building Inspector posts have an annual estimated cost of £0.094m. The additional costs would reduce to £0.063m after two years when the number of posts reduces to 2.0 permanent FTE Building Inspectors.

7.2. The 2.0 FTE permanent additional Building Inspector posts (£0.063m) will be funded from a reduction of 1.0 FTE Planning Officer and a reduction of 0.4 FTE Planning Enforcement Officer (£0.066m). The temporary Building Inspector 1.0 FTE post will be funded from additional fee income for Building Warrants (£0.031m). The overall net cost of the three additional posts combined would be £0.028m per annum.

## 8. Other Implications

8.1. The failure to fully resource the Building Standards service could result in a fall in performance levels and a reputational risk to the Council. In the longer term, this could lead to the Council losing its verification role. It is also imperative that the service is fully resourced to address the recommendations of the working group on building and fire safety which are intended to ensure catastrophic events are prevented. There are no implications for sustainability in terms of the information contained within this report.

## 9. Equality Impact Assessment and Consultation Arrangements

9.1. This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy and therefore, no impact assessment is required.

9.2. Trade unions have been consulted in terms of the content of this report.

**Michael McGlynn**

**Executive Director (Community and Enterprise Resources)**

**Paul Manning**  
**Executive Director (Finance and Corporate Resources)**

15 October 2018

**Link(s) to Council Objectives/Values/Ambitions**

- ◆ Improving the availability, quality and access to housing
- ◆ Working with communities and partners to promote high quality, thriving and sustainable communities
- ◆ Supporting the local economy by providing the right conditions for inclusive growth

**Previous References**

- ◆ None

**List of Background Papers**

- ◆ None

**Contact for Further Information**

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