

Report

Report To:	Community and Enterprise Resources Committee
Date of Meeting:	7 December 2021
Report by:	Executive Director (Community and Enterprise Resources) Executive Director (Finance and Corporate Resources)

Subject:	Building Standards Service: Additional Officers
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1. Purpose of Report

1.1. The purpose of this report is to:-

- ♦ seek approval to increase the Planning and Economic Development Service establishment by the addition of Building Standards Officers for an initial fixed term period of 23 months, with consideration of a further period based on workload and fee income levels after the initial 23 month fixed term period and the addition of a Building Standards Modern Apprentice for a 24 month period

2. Recommendation(s)

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

- (1) that the contents of the report be noted, and
- (2) that the additional posts, as detailed in section 9 of this report, 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 Building Regulations and associated Technical Standards, so that the health and safety of 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, which seeks to address doorstep crime and includes partnership working with Police Scotland, provision of general advice and guidance and property searches.

3.2. The broad range of services provided by Building Standards are key in supporting the Council to deliver commitments outlined in the Resource Plan and reflected in the Planning and Economic Development Service Plan, namely:-

- ♦ physical development and land use in the area is enabled, guided and controlled to help facilitate economic growth
- ♦ vacant, derelict and contaminated land is brought back into productive use
- ♦ provide sound financial stewardship for the Council

- 3.3. In addition to the above, it is highlighted the current and future key role Building Standards fulfils contributing to addressing the effects of climate change. This role involves undertaking a quality assessment of the energy design of new buildings and checking building work on site to ensure compliance with energy standards. The Scottish Government's current consultation on 'proposed changes to energy standards' reinforces this role and seeks to enhance it through proposals to improve compliance and reduce the gap between the designed and as-built energy performance of buildings. Members may recall this consultation was reported to the Climate Change and Sustainability Committee on 3 November 2021.
- 3.4. The current establishment and structure of the Service is noted in Appendix 1 along with the proposed structure resulting from the recommendations within this report.

4. Verification Appointment

- 4.1. In March 2017, the 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 consistently strong level of performance by the service during the previous appointment period from 2011 to 2017.
- 4.2. The next verification appointment term starts from 1 May 2023, and leading up to this, consideration of appointment terms will begin in early 2022 as Scottish Ministers review performance to select which authorities will be appointed and for what period of time.
- 4.3. The reappointment, for a full 6-year period, is conditional on meeting the performance requirements outlined in the Building Standards Verification and Operating Frameworks (2021). Assessment against these frameworks covers overall performance along with seeking evidence of investment in resources to deliver high quality services.
- 4.4. The assessment methodology used by the Building Standards Division (BSD) outlines 'strong' performance as resulting in a 6-year appointment period, with 'good' performance likely to attract a 3-year appointment period. Anything less will likely attract one year rolling appointments with ongoing scrutiny and adherence to a strict improvement plan.
- 4.5. Scottish Government Ministers expect verifiers to deliver a quality customer experience, with operational and financial efficiency, and to act in the public interest. The performance framework for verifier states, 'Verification services should be underpinned by efficient utilisation of funds and resources; high levels of productivity and fit-for-purpose infrastructure and Verifiers are committed to 'raising the bar' and ensuring a consistent effort to improve building standards verification across the performance framework'.
- 4.6. The content and recommendations of this report must be considered against the increased focus on the delivery of Building Standards related services post Grenfell. The nature of this increased focus is outlined within the work of the Scottish Government's Building Standards Futures Board. The work of this Board has and will continue to make additional demands on Building Standards services in the areas of workforce/succession planning, digital transformation, an increased focus on

compliance checks, and increased standards of verification. All of this requires additional resources.

- 4.7. A key work stream of the Futures Board related to a national Workforce Strategy for Building Standards outlines several local and national actions which together seek to ensure a sustainable workforce, a skilled workforce, a professional framework and a profession for everyone.
- 4.8. The annual workforce data collection process for 2021, which forms part of the requirements of the Workforce Strategy, highlights the challenge ahead in terms of improving capacity and addressing the issue of succession planning. The 2021 data shows that 52% of current operational staff are over 50 years of age, including 19% who are between 56 and 60 years of age. This collectively represents more than 350 years of experience which the Council will lose over the next 5 to 10 years, with a significant proportion of this being potentially lost within the next 3 to 5 years. Actions to address this loss of skill and experience needs to start now and is reflected in the report by the proposal for a Modern Apprentice to be taken on by the Service in 2022, with further apprentices to be considered in the future.

5. Current performance

- 5.1. This section of the report will outline the current performance level of the Building Standards service against key national and local performance indicators. These indicators provide a measure of compliance with the Verification Operating Framework.
- 5.2. Table 1 shows performance against 2 important key performance objectives (KPOs) together with the number of applications received.

Table 1

TARGETS			
South Lanarkshire	95% of first reports (for building warrants and amendments) issued within 20 days	Re-submissions - 90% of building warrants and amendments issued within 10 days from receipt of all satisfactory information.	Application numbers submitted
2021/2022 Q2	78.06%	73.83%	732
2021/2022 Q1	65.74%	68.70%	799
2020/2021 Q4	92.27%	86.94%	714
2020/2021 Q3	95.05%*	88.68%	719
2020/2021 Q2	96.76%*	86.27%	639
2020/2021 Q1	96.55%*	84.21%	376
2019/2020 Q4	92.89%	85.25%	598
2019/2020 Q3	91.71%	82.62%	56
2019/2020 Q2	86.50%	66.91%	719
2019/2020 Q1	87.70%	74.68%	699

* Indicates periods where application numbers and site inspection requests reduced due to COVID-19 restrictions.

- 5.3. This information shows that in recent years it has been a challenge for the service to meet Scottish Government targets related to the timeliness of building warrant assessment. This is due to the increasing complexity in application assessment (for example, increased fire engineering solutions, alternative design solutions, use of innovative products and systems, and the assessment of the energy efficiency of buildings). There has also been an increase in general enquiries, provision of technical advice, support to other Council services and pre application discussions.
- 5.4. The increasing focus on compliance checks (site visits), means the current prioritisation of assessment tasks against inspection activity is no longer sustainable. In turn, it is anticipated that without investment in additional resources there will be further challenges in meeting national standards.
- 5.5. In addition to a range of performance indicators reported nationally, several further indicators are reported locally, some of which are included within the Planning and Economic Development Service Plan.
- 5.6. Two of the measures are reported through iMPROVE. These are (a) percentage of building warrant applications receiving initial assessment within 20 working days, and (b) percentage of certificate of completion submissions responded to within 3 working days. Presently both measures are sitting at 'red'.
- 5.7. The performance data outlined in this paper shows that when the service is faced with 'normal' levels of application numbers, achieving the required targets is not currently possible. This can be seen when viewing KPO data for 2019 to 2021 within Table 1. Any increase in normal levels of application numbers creates further challenges as can be seen from the KPO data for Q1 and Q2 for 2021/2022.
- 5.8. With limited resilience or ability to effectively manage current workload, resources become further stretched and performance further drops during holiday periods and periods of absence.
- 5.9. The challenges faced in delivering verification services is further exacerbated with the current increase in non-verification duties, as outlined in the following section.

6. Enforcement and public safety

- 6.1. The role of the Building Standards service, with regards to responding to dangerous and defective buildings and other enforcement matters such as unauthorised work, is set out in primary legislation and represents a key part of the Building Standards role.
- 6.2. The Building Standards service has no separate enforcement team with enforcement matters being undertaken by the operational area teams with support from the HQ team. Given the potential public safety aspect of Building Standards enforcement work, any incident requiring investigation takes priority over verification work.
- 6.3. Over the last 12 to 24 months the service has seen a significant increase in enforcement activity, some requiring immediate and substantial involvement from surveyors and team leaders. For example, the recent gas explosion in Main Street, East Kilbride required extensive Team Leader involvement. At times this has been at the exclusion of other duties, given the nature and complexity of this incident. The amount of officer time spent on public safety related matters and by extension the effect this has on other areas of service delivery is becoming more significant. The potential impact on public safety, however, means that the Building Standards service has no choice but to intervene in cases of real potential danger.

- 6.4. Notwithstanding the challenges faced by the service, priority is always given to enquiries which relate to matters of public safety. Building Standards remains able to respond to such incidents in accordance with current service standards, this being to attend any incident within 2 hours (24 hours a day, 7 days a week).

7. Non-core activities

- 7.1. As well as undertaking verification and enforcement work, the service also has extensive involvement in a large and diverse range of other activities which support the wider delivery of Council services. All have a link to public safety, for example, those related to licensing, safety at sports grounds and live entertainment.
- 7.2. Should sufficient additional resources not be secured; the Building Standards service will need to review whether it can continue to deliver non-fee earning activities.

8. Summary and recommendations

- 8.1. Focus on Building Standards has increased since the Grenfell Tower tragedy and the Edinburgh Schools' failures. The work of the Scottish Government's Futures Group outlines the importance placed on the successful delivery of Building Standards services. Scottish Ministers expect councils to support and invest in their Building Standards services to deliver, not only verification services, but also other services which seek to ensure the safety of the public in and around buildings.
- 8.2. The key message within this report is to outline the potential risks to verification appointment in 2023, along with the possible reputational damage which is associated with a reduced appointment period. In addition, the service faces other challenges related to overall performance, managing matters related to enforcement and public safety and delivering on non-core activities, all as outlined in the previous sections of the report.
- 8.3. Based on current staffing and resource levels, there is a potential risk to verification re-appointment, an inability to improve performance and challenges in discharging our statutory enforcement and public safety duties and maintaining our contribution to non-core activities. Such duties are key in supporting the local economy and contribute to achieving climate change targets.
- 8.4. Taking into consideration the content of this report and to allow the Building Standards service to deliver on verification and non-verification duties, the additional resources, outlined in section 9 of this report, are requested.

9. Employee Implications

- 9.1. It is proposed that the following are added to the establishment of the Planning and Economic Development Service for a 23-month fixed term period, with consideration of a further period based on workload and fee income levels after the initial 23-month fixed term period.

Post title	Number of posts	Grade / SCP	Hourly Rate	Annual salary (excluding on-costs)	Gross salary (including on-costs 30.3%)	Total (23 months)
Building Standards Surveyor	3	Grade 3 Level 2 - 4 SCP 63-74	£18.08 - £21.25	£32,994 - £38,779	£45,448 - £53,416	£261,325 - £307,141

Post title	Number of posts	Grade / SCP	Hourly Rate	Annual salary (excluding on-costs)	Gross salary (including on-costs 30.3%)	Total (23 months)
Building Inspector	1	Grade 2 Level 3 SCP 46 - 48	£14.05 - £14.48	£25,639 - £26,424	£33,408 - £34,431	£64,032 - £65,992

9.2. It is proposed that the following are added to the establishment:

Post title	Number of posts	Grade / SCP	Hourly Rate	Annual salary (excluding on-costs)	Gross salary (including on-costs 30.3%)	Total (24 months)
Building Standards Modern Apprentice	1	Grade 1 Level 1 - 3 SCP 20 - 27	£9.60 - £10.64	£17,519 - £19,416	£22,827 - £25,300	£45,654 - £50,600

Skills Development Scotland is fully supportive of the national Building Standards Modern Apprentice (MA) programme and funding will be provided direct to the colleges that are delivering the programme. This means that each local authority, as the employer, will require sufficient budget for the apprentice's salary costs only.

9.3. The additional posts outlined above would be used to assist service delivery as noted below:-

- ◆ 3 Building Standards surveyors – these officers will support the two operational teams and the HQ team in terms of the volume of work related to building warrant plan assessment, low and medium risk inspection activities, enforcement investigations and general enquiries.
- ◆ 1 Building Standards inspector – this officer will supplement the existing two inspectors with regards to required inspections related, in the main, to multi-plot housing development, but also as related to other routine inspection activity as volume of work will allow. This will address, in part, the current level of under inspection of ongoing construction activity.
- ◆ 1 Building Standards Modern Apprentice – this apprentice will start to address the challenges of succession planning and indicate the Council's commitment towards the local actions within the national Building Standards Workforce Strategy.

10. Financial Implications

10.1. These posts will be funded from existing budget including turnover, Planning and Economic Development reserve balances and over recovery of fee income within the service over the next two years.

11. Climate Change, Sustainability and Environmental Implications

- 11.1 The Building Standards Service plays a key role in addressing the effects of Climate Change. This role involves undertaking a quality assessment of the energy design of new buildings and checking building work on site to ensure compliance with energy standards.

12. Other Implications

- 12.1 None

13. Equality Impact Assessment and Consultation Arrangements

- 13.1. This report does not introduce a new policy, strategy or plan and is not subject to impact assessment requirements.

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Executive Director (Community and Enterprise Resources)

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12 November 2021

Link(s) to Council Values/Ambitions/Objectives

- ◆ Ensure communities are safe, strong and sustainable
- ◆ Promote sustainable and inclusive economic growth and tackle disadvantage

Previous References

- ◆ None

List of Background Papers

- ◆ None

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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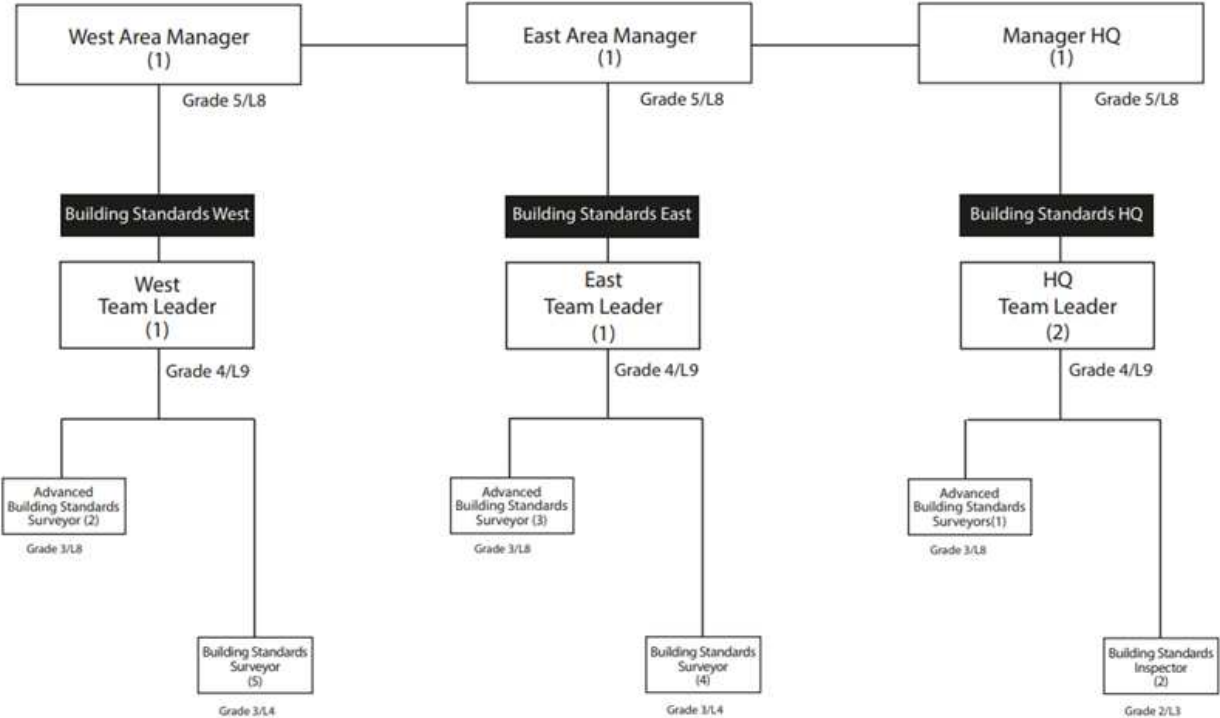
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Appendix 1 – Current and Proposed Establishment and Structure

Building Standards Establishment within Planning and Economic Development - Current

<u>Notes</u>	
Building Standards West	9
Building Standards East	9
Building Standards HQ	6
Total number of posts:	24



Building Standards Establishment within Planning and Economic Development - Proposed

Notes

Building Standards West	10
Building Standards East	10
Building Standards HQ	9
Total number of posts:	29

