

TONBRIDGE & MALLING BOROUGH COUNCIL

FINANCE, INNOVATION & PROPERTY BOARD

12 January 2022

Supplementary Report of Management Team

Part 1- Public

Matters for Recommendation to Cabinet - Key Decision

1 REVIEW OF FEES & CHARGES 2022/23 – BUILDING CONTROL

This report brings forward, for consideration as part of the budget setting process for 2022/23, proposals in respect of building control fees.

1.1 Current position

1.1.1 The Building Control Service returned to a wholly in house service at TMBC in the summer of 2021, following a period of partnership with Sevenoaks District Council. This was a staged process to ensure that all relevant data was transferred and that knowledge sharing could continue throughout the transition. Staffing proposals were agreed by Members in early 2021 and implemented in July 2021. The two Councils have agreed to maintain a shared out of hours Building Control service for dangerous structures call outs, to ensure resilience across the two authorities.

1.1.2 The transition has not been without challenges. There was a huge amount of data to transfer back to TMBC and a set of complex tasks relating to the software system, Uniform, to be completed. For a time, the BC team were working on both SDC and TMBC systems and this caused some operational delays. The technical support function for Building Control was run entirely at SDC during the partnership and the Planning Technical team has been augmented by some additional, specific Building Control roles to ensure service delivery. In addition, Finance colleagues agreed a longer transition period with SDC regarding invoicing and debt, so that tasks could be spread out over a longer time period. These tasks have been managed alongside day-to-day workloads and caseloads and have proven at times to be extremely time consuming, given the need to ensure that TMBC has everything it needs to competently run the Building Control Service in house.

1.1.3 The purpose of this report is to propose the Building Control fee tables for 2022/23 for TMBC only.

1.2 Building Control Fees

1.2.1 The Building (Local Authority Charges) Regulations 2010 require local authorities to ensure that the prices charged by the service is an accurate reflection of the

costs of carrying out the chargeable building control functions and for giving chargeable advice relating to the Building Regulations.

- 1.2.2 The Regulations require authorities to achieve full cost recovery on their building regulation chargeable work. However, charges should not be increased above the level of the costs of providing a service under the Building Regulations. The Regulations identify standard and individual charges that, in turn, should reflect the cost of the service on individual building projects in accordance with the 'user pays' principle.
- 1.2.3 Authorities can set standard charges and individually determined charges at a local level. The use of standard charges should be limited to the types of building work where it is possible to estimate the amount of Building Control input required for a particular type of Building Regulation application. Quotes are provided to clients for individually determined charges, which are calculated on a scheme-by-scheme basis based on an hourly rate.
- 1.2.4 Building Control charges can be challenged by clients, therefore it is important that the evidence base that sits behind the charges schedule is robust and relates to the actual costs of carrying out the main building regulation function.
- 1.2.5 The overriding objective in the Charges Regulations requires local authorities to achieve full cost recovery in the setting of their charges. Income derived by the local authority from performing their 'chargeable functions' should equate as far as possible, to the costs incurred by the authority in providing these services.

1.3 Review of chargeable services

- 1.3.1 At with last year's report, officers do not consider that there is a suitable baseline to make any significant changes to fee levels. The reasons for this are twofold; firstly the baseline information on chargeable services is currently at a partnership level due both to the transition activity discussed above and COVID-19/Exiting the EU impacting on the building trade and therefore service delivery. Secondly, the work to time monitor activity and review the split between chargeable and other services is a detailed project, which will require input from BC officers, finance colleagues and others. Given the transition activity that has been underway, it has not been feasible to complete this work as planned in the current financial year.
- 1.3.2 On this basis, it is therefore proposed to utilise the current BC Partnership tables with an inflationary rise of 2% as the basis for the TMBC 2022/23 fees.
- 1.3.3 As part of the next Building Control business plan, which will be presented to the Planning & Transportation Advisory Board in due course, there will need to be a review of building control services in accordance with CIPFA Local Authority Building Control Accounting Guidance to ensure that the correct percentage split is being applied between chargeable services and non-chargeable services (such as dangerous structures inspections). The review will provide an evidence base to inform changes to fees in future financial years to ensure charges achieve full cost

recovery and users only pay for the service they receive. This will provide a basis for fee proposals for next financial year.

1.4 Legal Implications

1.4.1 The Building (Local Authority Charges) Regulations 2010 (S.I. 2010/404) makes provision for local authorities in England and Wales to fix their own charges in a schedule, based on the full recovery of their costs for carrying out their main Building Control functions relating to the Building Regulations.

1.5 Financial and Value for Money Considerations

1.5.1 The Building Control Standard Charges are reviewed every year and the evidence base should be updated to ensure that the service is responsive to the needs of the customer and that the charging schedule is fairly applied. The proposed approach to this for TMBC is laid out earlier in this report.

1.5.2 At the end of December 2021, income was tracking at 1% above revised estimate (original estimate of £404k, revised £415k, tracking at £419k to year end).

1.5.3 The proposed fee increases are all at c.2% to allow for rounded figures to be published.

1.6 Risk Assessment

1.6.1 There is a risk that as a result of the COVID-19 pandemic and the UK's Exit from the EU, Building Control income may continue to see fluctuations despite the inflationary increase proposed. The opportunity however is in the number of household conversions that are taking place at present, although of course the service has no influence over how long this will continue at current levels.

1.6.2 Local Authority Building Control is in competition with private sector building control and increased fees could result in clients opting to use private Approved Inspectors (AIs) instead of the local authority for their building projects. It is therefore important to ensure that the Building Control Service operates efficiently to maintain a competitive fee structure and provide value for money for the customer.

1.7 Equality Impact Assessment

1.7.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act.

1.8 Policy Considerations

1.8.1 Business Continuity/Resilience

1.9 Recommendations

- 1.9.1 Members are **RECOMMENDED** to **AGREE** a rounded 2% increase to the Building Control Charges from the 1 April 2022 as per the list of Building Control fees attached at **Annex 1**.

Background papers:

Nil

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BUILDING CONTROL



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Standard Building Control Charges Effective from 1st April 2022

These tables and guidance notes are based on the Tonbridge & Malling Borough Council's Building Control Charges scheme. The charges scheme is made under the Building (Local Authority Charges) Regulations 2010. The charges have been established to cover the cost of building control fee earning work in respect of commonly occurring building projects. The full scheme of charges can be viewed at either of the Council Offices by appointment.

Charges are payable for:

Before you build, extend, convert or make alterations to a property, you may need to submit a Building Regulation application to The Building Control Partnership and this will take the form of either a Full Plans application or a Building Notice submission. If the basis on which the charge has been determined significantly changes, the Building Control Partnership may either provide a refund or request a supplementary charge in writing setting out the basis and detailing the method of calculation.

Full Plans

If you submit a Full Plans application the Plan Charge must accompany the plans to cover an assessment of the works and the passing or rejection of the plans. The Inspection Charge becomes due after our Building Surveyors first inspection of the works on site. An invoice will be sent to the applicant for the relevant amount and this covers all necessary site inspections by Building Control Surveyors including issuing a completion certificate.

Building Notice

Where a Building Notice is submitted, the Building Notice Charge is payable at the time of submitting the Notice. The fee covers Building Control Surveyors visiting the site when notified to ensure the work conforms to Building Regulations and the issuing of a completion certificate. Supplementary information, ie floor plans, structural & thermal calculations, may be requested as necessary to confirm compliance with the Building Regulations 2010.

Fire Safety Order

A Building Notice cannot be used for a 'designated building' which is a building subject to the Regulatory Reform (Fire Safety) Order 2005, i.e. non-domestic properties, common areas of flats and homes in multiple occupation, etc.

Regularisation

If you have carried out unauthorised building work you can apply for a Regularisation Certificate if the works were carried out on or after 11th November 1985. There is a fee to pay to cover the cost of assessing your application and all inspections, but no VAT is payable on this type of application.

Individually Determined Charges

You can request a bespoke fee quote where:

- All or part of the project falls outside of the standard Charges in Tables A, B & C
- These categories do not cover all aspects of the project
- The categories do not reflect a reasonable charge

You can obtain an Individually Determined Charge by sending plans of your proposals by email: building.control@tmbc.gov.uk or by contacting us by telephone: **01732 876230**.

Exemption from Charges

Existing Dwelling - where the whole of the work is solely for the purpose of providing access for a disabled person to, from and within their residence, or for the purpose of providing accommodation, or facilities designed to secure the greater health, safety, welfare or convenience of the disabled person (subject to Regulation 4(2)) no charge shall be payable. Note: evidence of the person's disability or special needs may be required, ie, a letter from a medical practitioner or an occupational therapist.

Existing Building - to which members of the public are admitted (e.g. public buildings, shops, banks, etc) - where the whole of the work is solely for the purpose of providing access for disabled persons to, from and within the building, or for the provision of facilities designed to secure the greater health, safety, welfare or convenience of disabled persons no charge shall be payable.

Service level

The inspection fee will cover all site inspections carried out during the construction phase including discussions and meetings with the builder, architect &/or the owner if required. Our Surveyors provide a next day inspection service and because we are local we will do our utmost to accommodate any reasonable requests for inspections at short notice in the event of problems on site. We offer a prompt, proactive, commercially aware service and we understand the pressure involved in delivering construction projects on time including the programming issues of major builds.

The stages the Surveyor will look at include:

- Foundations
- Damp proofing
- Drainage
- Beams, floor and roof structures
- Thermal insulation
- Completion

VAT

VAT is charged at 20%

Payment

Payment can be made on our website; **www.tmbc.gov.uk**.

Debit /Credit card payments are accepted by telephone; **01732 876230** and cheques should be made payable to "Tonbridge & Malling Borough Council".

Further guidance, application forms and advice can be obtained from:

Building Control, Council Offices,
Gibson Building, Gibson Drive,
Kings Hill, West Malling,
ME19 4LZ

e: building.control@tmbc.gov.uk

t: 01732 876230

w: www.tmbc.gov.uk

Standard Charges

Table A – New dwellings

Limited to work less than 300m² floor area

Code	Bungalows or Houses less than 3 storeys		Full Plans		Building Notice Charge*	Regularisation Charge*
			Plan Charge	Inspection Charge*		
H01	1 Plot	Net	255.00	525.00	935.00	1405.00
		VAT	51.00	105.00	187.00	
		Total	306.00	630.00	1122.00	1405.00
H02	2 Plots	Net	318.33	848.33	1401.67	2100.00
		VAT	63.67	169.67	280.33	
		Total	382.00	1018.00	1682.00	2100.00
H03	3 Plots	Net	382.50	1114.17	1795.00	2693.00
		VAT	76.50	222.83	359.00	
		Total	459.00	1337.00	2154.00	2693.00
H04	4 Plots	Net	445.83	1375.00	2184.17	3276.00
		VAT	89.17	275.00	436.83	
		Total	535.00	1650.00	2621.00	3276.00
H05	5 Plots	Net	509.17	1506.67	2419.17	3629.00
		VAT	101.83	301.33	483.83	
		Total	611.00	1808.00	2903.00	3629.00
Flats						
F01	1 Flat	Net	137.50	371.67	508.33	902.00
		VAT	27.50	74.33	101.67	
		Total	165.00	446.00	610.00	902.00
F02	2 Flats	Net	255.00	371.67	626.67	902.00
		VAT	51.00	74.33	125.33	
		Total	306.00	446.00	752.00	902.00
F03	3 Flats	Net	318.33	525.00	843.33	1216.00
		VAT	63.67	105.00	168.67	
		Total	382.00	630.00	1012.00	1216.00
F04	4 Flats	Net	382.50	650.00	1032.50	1486.00
		VAT	76.50	130.00	206.50	
		Total	459.00	780.00	1239.00	1486.00
F05	5 Flats	Net	445.83	890.83	1335.83	1924.00
		VAT	89.17	178.17	267.17	
		Total	535.00	1069.00	1603.00	1924.00
Conversion to						
V01	Single Dwelling House	Net	286.67	579.17	865.83	1299.00
		VAT	57.33	115.83	173.17	
		Total	344.00	695.00	1039.00	1299.00
V02	Single Flat	Net	137.50	371.67	539.17	854.00
		VAT	27.50	74.33	107.83	
		Total	165.00	446.00	647.00	854.00

Standard Charges

Table B – Extensions to a single dwelling

Limited to work not more than 3 storeys above ground level

Code	Extensions & Conversions		Full Plans		Building Notice Charge*	Regularisation Charge*
			Plan Charge	Inspection Charge*		
D01	Single storey extension with a floor area less than 10m ²	Net	127.50	318.33	445.83	668.00
		VAT	25.50	63.67	89.17	
		Total	153.00	382.00	535.00	668.00
D02	Single storey extension with floor area between 10m ² & 40m ²	Net	190.83	445.83	636.67	955.00
		VAT	38.17	89.17	127.33	
		Total	229.00	535.00	764.00	955.00
D03	Single storey extension with floor area between 40m ² & 100m ²	Net	255.00	509.17	764.17	1145.00
		VAT	51.00	101.83	152.83	
		Total	306.00	611.00	917.00	1145.00
D04	Multi-storey extension (ie some part 2 or 3 storeys in height) & floor area not exceeding 40m ²	Net	255.00	509.17	764.17	1145.00
		VAT	51.00	101.83	152.83	
		Total	306.00	611.00	917.00	1145.00
D05	Multi-storey extension (ie some part 2 or 3 storeys in height) & floor area 40m ² to 100m ²	Net	255.00	572.50	827.50	1278.00
		VAT	51.00	114.50	165.50	
		Total	306.00	687.00	993.00	1278.00
D06	Extension comprising SOLELY a garage, carport or store with a floor area less than 60m ²	Net	127.50	318.33	445.83	649.00
		VAT	25.50	63.67	89.17	
		Total	153.00	382.00	535.00	649.00
D07	Detached non-habitable domestic building with a floor area less than 60m ²	Net	127.50	318.33	445.83	668.00
		VAT	25.50	63.67	89.17	
		Total	153.00	382.00	535.00	668.00
Conversions						
D08	Loft conversions with a floor area less than 40m ²	Net	255.00	509.17	764.17	1145.00
		VAT	51.00	101.83	152.83	
		Total	306.00	611.00	917.00	1145.00
D09	Loft conversions with a floor area between 40m ² & 100m ²	Net	255.00	572.50	827.50	1278.00
		VAT	51.00	114.50	165.50	
		Total	306.00	687.00	993.00	1278.00
D10	Conversion of a garage to a habitable room	Net	127.50	233.33	360.83	541.00
		VAT	25.50	46.67	72.17	
		Total	153.00	280.00	433.00	541.00

Multiple work reductions:

- Where more than one extension, or an extension and a loft conversion is proposed and the works are carried out concurrently, the individual fees should be combined and reduced by 30%.
- Where domestic alterations up to £15,000 are to be carried out at the same time as work described in codes D01 – D09 above, the charge payable in Table C can be reduced by 30%.

Where Standard Charges are not applicable please email building.control@tmbc.gov.uk, or telephone 01732 876230.

Standard Charges

Table C – Alterations to a single dwelling and all other non-domestic work

Limited to work not more than 3 storeys above ground level

Code	Alterations		Full Plans		Building Notice Charge*	Regularisation Charge*
			Plan Charge	Inspection Charge*		
D11	Renovation of a thermal element ie recovering a roof or recladding walls	Net VAT Total	190.83 38.17 229.00	0.00	190.83 38.17 229.00	287.00 287.00
D12	Replacement of windows, roof windows, or external glazed doors	Net VAT Total	190.83 38.17 229.00	0.00	190.83 38.17 229.00	287.00 287.00
D13	Cost of work not exceeding £2000	Net VAT Total	190.83 38.17 229.00	0.00	190.83 38.17 229.00	287.00 287.00
D14	Cost of work between £2,001 & £5,000	Net VAT Total	265.00 53.00 318.00	0.00	265.00 53.00 318.00	387.00 387.00
D15	Cost of work between £5,001 & £15,000	Net VAT Total	159.17 31.83 191.00	267.50 53.50 321.00	425.00 85.00 510.00	608.00 608.00
D16	Cost of work between £15,001 & £25,000	Net VAT Total	180.83 36.17 217.00	355.83 71.17 427.00	536.67 107.33 644.00	806.00 806.00
D17	Cost of work between £25,001 & £50,000	Net VAT Total	286.67 57.33 344.00	579.17 115.83 695.00	865.83 173.17 1039.00	1299.00 1299.00
D18	Cost of work between £50,001 & £100,000	Net VAT Total	355.83 71.17 427.00	700.83 140.17 841.00	1056.67 211.33 1268.00	1567.00 1567.00
Competent Persons Schemes (in addition to the above, where applicable)						
D19	Where a satisfactory competent Persons certificate will not be Issued, ie Part P, GASAFE, HETAS, OFTEC	Net VAT Total	284.00 56.80 340.80	This charge relates to the first fix pre- plaster inspection and final testing on completion. For a Regularisation Certificate full testing and appraisal will be carried out.		

Estimated Cost of Works:

The estimated cost of work used to determine the charge in Table C should be a reasonable estimate that would be charged by a professional builder to carry out such work (excluding the amount of any VAT).

Competent Persons Schemes:

The Charges marked with an * have been reduced to reflect where controlled electrical and heating installations are certified by an installer registered with one of the Governments Competent Persons Schemes. If a certified installer is not subsequently employed or Competent persons certification is not received, the charge in Table C, code D19, will be required for each unit. This is to enable checks and tests on the work to be made by our nominated contractor to establish that the work meets with the requirements of the Building Regulations 2010.

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