

**TONBRIDGE & MALLING BOROUGH COUNCIL**  
**PLANNING and TRANSPORTATION ADVISORY BOARD**

**20 January 2014**

**Report of the Director of Planning, Housing and Environmental Health**

**Part 1- Public**

**Matters for Recommendation to Cabinet - Key Decision**

**1 BUILDING REGULATIONS FEES**

**Summary**

**This report recommends that, following a significant review last year, the scheme of charges for the fee earning aspects of the Building Control Service are held at their current level for 2014/15.**

**1.1 Background**

- 1.1.1 On the 1 October 2010 the Building [Local Authority Charges] Regulations 2010 came into force. The key principle of the Regulations was to ensure optimum cost recovery of the service on a 'user pays' basis, ensuring that the customer pays the cost of the service delivered, no more, no less. Local Authorities are encouraged to recover all of their 'fee earning' costs in this way, recognising that there are other aspects of Building Control activity (such as work related to dangerous structures and enforcement issues) that are not recoverable.
- 1.1.2 Members will recall that in January 2013 the results of a significant review of chargeable Building Control activity reflecting the principles of these regulations was presented to Members of the Finance and Property Advisory Board and approved.
- 1.1.3 The new fee structure has been tested and has been demonstrated to fairly reflect the cost of providing the service, across the range of chargeable works, as well as meeting the Council's costs of providing these aspects of the service. It is exactly aligned with Sevenoaks District Council's fee structure and remains competitive with Approved Inspectors working in the private sector.
- 1.1.4 It is opportune for me to update Members on recent changes to the resourcing of the Team. As Members may recall we have had an arrangement for a shared Building Control Manager with Sevenoaks District Council for a two year period. This ended recently with the incumbent taking up a senior Management post back with Sevenoaks. Since then and on an interim basis the Team is being strategically managed by the Chief Environmental Health Officer, assisted on operational management matters by the Principal Building Control Surveyor. In

addition a vacant post has been created by one of the Building Control Surveyors leaving the employment of the Council towards the end of last year.

1.1.5 It is clear that the Shared Management arrangement worked extremely well for this Service and much progress was made on improving efficiency, resilience and non-statutory fee income. As a consequence of these recent staffing changes and the need to protect and further develop resilience within the service, I have embarked on preliminary discussions with Sevenoaks District Council regarding the potential for developing a full shared service arrangement across the two local authority areas. We are at an early stage in this investigation and there will be some issues to resolve around IT, personnel and management arrangements. A more detailed update on these discussions will be presented to Members at a later date.

1.1.6 It is proposed, for the reasons stated above, and particularly in light of a potential shared service arrangement that we maintain the fees as they are currently set, with a review being carried out following the outcome of discussions with Sevenoaks District Council. The current fee scheme can be found at **[Annex 1]**.

## **1.2 Legal Implications**

1.2.1 The approach for setting fees for Building Control is set out in the Building (Local Authority Charges) Regulations 2010.

## **1.3 Financial and Value for Money Considerations**

1.3.1 Whilst it is critical for the Council to review how it covers the cost of this service, the current level of fees has generated £262,000 to the end of December. This compares with £247,682 at the same point last year.

1.3.2 During this interim period in the management of the Service it seems prudent to maintain the alignment our fees with a potential partner, particularly since operational costs have temporarily reduced.

## **1.4 Risk Assessment**

1.4.1 Whilst the risk of not seeking to fully recover costs puts the Council at a financial disadvantage in supporting the resources needed to deliver this service, it is vital that the fees do not detract from our ability to maintain our market share in the Building Control business.

## **1.5 Equality Impact Assessment**

1.5.1 See 'Screening for equality impacts' table at end of report.

## **1.6 Recommendations**

1.6.1 It is **RECOMMENDED** that the current Building Control fee scheme is retained for the year 2014/15.

Background papers:

Nil

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Martin Oman

Steve Humphrey  
Director of Planning, Housing and Environmental Health

<b>Screening for equality impacts:</b>		
<b>Question</b>	<b>Answer</b>	<b>Explanation of impacts</b>
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	The Regulations make provision for dispensations in connection with projects such as disabled adaption of properties and related works.
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	See above
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

*In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.*