



# South Thames Gateway Building Control Joint Committee

A meeting of the Joint Committee will be held on:

**Date:** 17 March 2009

**Time:** 10:00 am

**Venue:** Meeting Room 9, Gun Wharf, Dock Road, Chatham ME4 4TR

## Agenda

1. **To approve the record of the following meeting:**
  - 23 February 2009

2. **To receive apologies for absence**

3. **Urgent matters by reason of special circumstances**

The Chairman will announce any late items which do not appear on the main agenda but which he has agreed should be considered by reason of special circumstances to be specified in the reports.

4. **Declarations of interest**

- (a) **Personal interests under the Medway Code of Conduct**

A Councillor who declares a personal interest in a matter, including the nature of the interest, may stay, speak and vote on the matter.

- (b) **Prejudicial interests under the Medway Code of Conduct**

A Councillor who declares a personal and prejudicial interest in a matter, including the nature of the interest, must withdraw from the room and take no part in the debate or vote on the matter.

Councillors who have declared a personal and prejudicial interest may make representations, answer questions and give evidence before leaving the room but only if members of the public are allowed to attend for the same purpose.

If an interest is not declared at the outset of the meeting, it should be disclosed as soon as the interest becomes apparent.

**5. To consider reports as follows:**

**(A) Annual Audit and Inspection Letter**

The report presents the Annual Audit and Inspection Letter (2007/2008) as submitted by PKF, the appointed auditor to the Joint Committee.

**(B) South Thames Gateway Building Control Partnership Enforcement Policy**

This report sets out a proposed enforcement policy for the South Thames Gateway Building Control Partnership that seeks to ensure effective compliance with legislation while minimising the burden to the three Councils, to citizens and to businesses.

**(C) Revenue Budget Monitoring**

This report sets out the Partnership's revenue budget for 2008/2009, based on information to February 2009.

**(D) Performance Monitoring**

This report informs the Joint Committee of performance during 2008/2009.

If you have any queries please contact Anthony Law on 01634 332008 or email: [anthony.law@medway.gov.uk](mailto:anthony.law@medway.gov.uk).

9 March 2009

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# **South Thames Gateway Building Control Joint Committee**

**17 March 2009**

**Record of meeting**

- **23 February 2009**

**ITEM: 1**





## **SOUTH THAMES GATEWAY BUILDING CONTROL JOINT COMMITTEE**

**23 February 2009**

**2:00 pm to 2:20 pm**

### **RECORD OF THE MEETING**

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**PRESENT:**

**Committee members:** Councillor Chitty (Medway Council) (Chairman)  
Councillor Lewin (Swale Borough Council)  
(Vice-Chairman)  
Councillor Dyke (Gravesham Borough Council)

**In attendance:**

Paula Charker (Medway Council)  
James Freeman (Swale Borough Council)  
Stephen Gaimster (Medway Council)  
Wayne Hemingway (Medway Council)  
Sarah McEwan (Gravesham Borough Council)  
Angela Riches (Medway Council)  
Tony Van Veghel (South Thames Gateway  
Building Control Partnership)  
Kevin Woolmer (Medway Council)

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#### **649 RECORD OF THE MEETING**

The record of the meeting held on 12 November 2008 was signed by the Chairman as correct.

#### **650 APOLOGIES FOR ABSENCE**

Apologies for absence were received on behalf of Councillor Morris (Substitute Member, Swale Borough Council).

**South Thames Gateway Building Control Joint Committee, 23  
February 2009**

**651 DECLARATIONS OF INTEREST**

There were none.

**652 SOUTH THAMES GATEWAY BUILDING CONTROL BUSINESS PLAN  
2009/2010**

**Discussion:**

This report provided details of the draft South Thames Gateway Building Control Partnership's Business Plan for 2009/2010.

The Joint Committee had originally considered the Business Plan for 2009/2010 on 12 November 2008, however, the subsequent downturn in the economy had meant that the Partnership had revisited the draft Business Plan for 2009/2010.

It was noted that the plan had been amended to take into account the effects of the economic situation within the construction industry and a predicted downturn in applications, work commencements and consequent loss of income. The plan identified a balanced budget should income fall by 20% from the original budgeted expectation. An indication of the likely implications to each partner authority's contributions should the income fall by 30% or 40% was also included. A reduction in staff members and other cost savings to mitigate the likely financial pressures were also included.

Monthly budget monitoring reports would be presented to the officer steering group and subsequently to Joint Committee. Should this indicate a potential deficit situation, further savings and economies of scale would be introduced to offset the need for Councils to fund any deficit. A call on additional Council contributions would be seen as a last resort.

In addition, the current year's financial position was tabled at the meeting to highlight the potential impact of the downturn in the economy on the Partnership's budget for 2008/2009. This showed that a deficit of £309,000 was currently forecast, based upon the January projection, which would necessitate deficit funding contributions of £164,000, £83,000 and £62,000 from Medway, Swale and Gravesham respectively.

**South Thames Gateway Building Control Joint Committee, 23  
February 2009**

The draft would now be submitted to partner authorities for their final approval.

**Decision:**

1. The Joint Committee approved the Business Plan, as attached to the report, and agreed to refer it back to the Cabinet of each Partner Authority to approve the Final Draft Business Plan.
2. The Joint Committee noted the forecast deficit for 2008/2009 as tabled at the meeting.

**Reasons for Decision**

The Constitution of the Joint Committee requires approval of the business plan for the following year by the Cabinet of each Partner Authority.

**653 SCHEDULE OF MEETINGS 2009/2010**

**Discussion:**

This report set out the proposed meetings schedule for the 2009/2010 municipal year.

The Committee was being asked to consider the meetings schedule in advance of a decision being made at the Annual General Meeting in June, in order to provide some certainty for Members on the schedule of dates during 2009/2010.

**Decision:**

The Joint Committee recommended the timetable of meetings for the 2009/2010 municipal year to the Annual General Meeting for approval.

**South Thames Gateway Building Control Joint Committee, 23  
February 2009**

**Chairman**

**Date**

**Wayne Hemingway**

Cabinet co-ordinator

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wayne.hemingway@medway.gov.uk



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# **South Thames Gateway Building Control Joint Committee**

**17 March 2009**

**Annual Audit and Inspection Letter**

**ITEM: 5(A)**



**SOUTH THAMES GATEWAY BUILDING CONTROL  
JOINT COMMITTEE**

**17 MARCH 2009**

**SOUTH THAMES GATEWAY BUILDING CONTROL  
ANNUAL AUDIT AND INSPECTION LETTER**

Author: Mick Hayward, S151 officer to the Joint Committee

**Summary**

The report presents the Annual Audit and Inspection Letter (2007/2008) as submitted by PKF, the appointed auditor to the Joint Committee.

**1. Budget and Policy Framework**

- 1.1 The Memorandum of Agreement requires that an auditor appointed by the Audit Commission shall audit the accounts of the Partnership. This accords with Section 2 of the Audit Commission Act 1998, which requires the Commission to appoint an external auditor for a joint committee of two or more authorities.

**2. Background**

- 2.1 The September 2008 meeting of the Joint Committee approved the 2007/2008 Statement of Accounts (SoA) and the appointment of PKF as the auditor to the Joint Committee.
- 2.2 The auditor is required to review the SoA and report back to the Joint Committee on its findings and, where appropriate, require the Joint Committee to prepare an appropriate response and management action plan.

**3. Audit and Inspection Letter (Appendix 1)**

- 3.1 There were no issues raised as a result of the audit. A recommendation has been made that future Joint Committee accounts be prepared in accordance with SORP requirements.

#### **4. Management Response**

- 4.1 Further to the recommendation from the auditors, it is proposed that the Joint Committee accounts from 2009/10 onwards will be fully SORP compliant.

#### **5. Financial Implications and Legal Implications**

- 5.1 There are no direct financial or legal implications arising from this report.

#### **6. Recommendations**

- 6.1 The Joint Committee is asked to note the Annual Audit and Inspection Letter and approve the management response as detailed.

#### **7. Suggested Reasons for Decisions**

- 7.1 The Joint Committee has a key role in monitoring the performance of the Partnership and the annual audit and inspection letter summaries the Audit Commission's assessment of the Partnership.

#### **Lead officer contact**

Mick Hayward, S151 Officer, South Thames Gateway Building Control Partnership, Compass Centre, Chatham Maritime, Kent, ME4 4YH  
Tel: 01634 332220

#### **Background papers**

Appointment of Auditor and Statement of Accounts 2007-2008 report to STG Building Control Joint Committee – 25 September 2008.

Members of South Thames Gateway Joint Committee  
Medway Council  
Gun Wharf  
Dock Road  
Chatham  
Kent  
ME4 4TR

Our ref:

25 February 2009

Dear Members

**Limited assurance audit of South Thames Gateway Joint Committee 2007/08**

We are writing to you in respect of the completion of the above work.

We can confirm that we have completed our review and on the basis of our work would note that:

- the information that is contained in the annual return is in accordance with the Audit Commission's requirements
- we have not identified any errors that require amendment within the annual return
- no matters have come to our attention that give cause for concern that relevant legislation and regulatory requirements have not been met.

In order to complete the audit we now require the preparation of a letter of representation (a draft of which is attached as Appendix 2 to this letter) and receipt of the final signed Annual Return.

There is one matter which I would like to draw the attention of members to, the future preparation of Joint Committee accounts in line with SORP requirements. As noted in our issues arising in Appendix 1, while the Joint Committee is able to prepare an annual return for the next two years, we would recommend that it considers the early adoption and preparation of full SORP compliant accounts.

We would like to thank officers for their assistance in completing the audit.

Yours sincerely

**PKF (UK) LLP**  
London

Tel 020 7065 0000 | Fax 020 7065 0650

[www.pkf.co.uk](http://www.pkf.co.uk)

PKF (UK) LLP | Farringdon Place | 20 Farringdon Road | London | EC1M 3AP | DX 479 London/Chancery Lane

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**Management recommendations arising**

**Preparation of SORP compliant accounts**

*Issue arising*

The Joint committee has, in 2007/08, incurred gross expenditure of less than £1 million and therefore met the definition of a 'smaller relevant body' in Regulation 2 (1) of the Accounts and Audit Regulations 2003 as amended. In accordance with the Regulations the Joint Committee has produced the required Annual Return.

The Regulations also allow a smaller relevant body to continue to prepare annual returns where they have gross income or expenditure of less than £1 million in either of two immediately preceding years to that being accounted for. This confirms that the Joint Committee can complete an annual return for the next two years (2008/09 and 2009/10), even though gross expenditure is likely to be in excess of £1 million. SORP compliant accounts will only be required in 2010/11, although comparatives for 2009/10 will be necessary.

*Recommendation*

Although the Joint Committee meets the Regulations, we would recommend that it prepare full SORP compliant accounts at an earlier stage, for either the 2008/09 or 2009/10 accounts, particularly in light of the gross expenditure being in excess of £1 million.

*Management response*

To be completed

**Draft letter of representation**

PKF (UK) LLP  
Farringdon Place  
20 Farringdon Road  
London  
EC1M 3AP

XX March 2009

Dear Sirs

**Annual return of South Thames Gateway Joint Committee for the year ended 31 March 2008**

**1 Representations of the Chief Finance Officer**

I confirm to the best of my knowledge and belief, and having made appropriate enquiries of other officers and Members, the following representations given to you in connection with your audit of the Annual Return.

**2 Responsibility for the Annual Return**

I acknowledge as the Chief Finance Officer and S151 Officer my responsibilities for the Annual return.

**3 Completeness of information**

All the accounting records have been made available to you for the purpose of your audit and all the transactions undertaken by the Joint Committee have been properly reflected and recorded in the accounting records. All other records and related information have been made available to you.

**4 Internal control**

I acknowledge my responsibility for the design, implementation and maintenance of internal control relevant to the preparation and presentation of the Annual Return that are free from misstatement, whether arising from fraud or error.

**5 Compliance with law and regulations**

I am not aware of any possible or actual instances of non-compliance with laws or regulations which are central to the Joint Committee's ability to carry on business or which would otherwise have a potentially material effect on the Annual Return.

**6 Uncorrected misstatements**

You have not brought to my attention any uncorrected misstatements in the Annual Return.

**7 Subsequent events**

There have been no events since the balance sheet date which necessitate revision of the figures included in the Annual report.

Yours faithfully

**Mick Hayward**  
Chief Finance Officer





**Gravesham**  
Borough Council



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# **South Thames Gateway Building Control Joint Committee**

**17 March 2009**

**South Thames Gateway Building Control Partnership  
Enforcement Policy**

**ITEM: 5(B)**

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**SOUTH THAMES GATEWAY BUILDING CONTROL  
JOINT COMMITTEE**

**17 MARCH 2009**

**SOUTH THAMES GATEWAY BUILDING CONTROL PARTNERSHIP  
ENFORCEMENT POLICY**

Author: Tony Van Veghel, Director, South Thames Gateway Building Control Partnership

**Summary**

This document outlines South Thames Gateway Building Control (STGBC) Partnership's enforcement policy and sets out how it will support the achievement of the overall aims of the three Partner Councils. The purpose of the policy is to secure the effective compliance with legislation while minimising the burden to the three Councils, to citizens and to businesses.

**1. Budget and Policy Framework**

1.1 The adoption of the enforcement policy is cost neutral and consistent with the Partnership's Business Plan.

**2. Enforcement Policy**

2.1 One of the aims of the partnership is to bring consistency to service delivery across the area and this includes the role of enforcement.

2.2 This document, as set out in Appendix 1, will ensure the principles of:

- Standards and procedure,
- Helpfulness,
- Openness,
- Transparency,
- Proportionality,
- Consistency,
- Targeting and
- Handling complaints are properly applied throughout the area.

2.3 It reflects on the relationship between enforcement and achieving compliance with legislation and the difference between prosecution of builders and serving Notices on owners as well as explaining powers of entry.

- 2.4 The Partnership's primary concern is to ensure compliance with the Building Regulations. It also deals with the other areas of enforcement activity such as dangerous structures demolitions and defective premises. This is best achieved by encouraging those responsible for the design construction of buildings to comply with the legislation. However, if an officer identifies any risk, hazard or contravention that needs more immediate attention this policy will ensure any action is consistently applied.
- 2.5 This policy will be reviewed every twelve months to reflect the changes indicated by internal monitoring, by legislation or by guidance from Communities and Local Government or Local Authority Building Control. If revisions are necessary the policy will be brought back to the Joint Committee for approval.

#### **4. Financial Implications and Legal Implications**

- 4.1 The financial framework for the provision of enforcement and regulatory services is established for the current financial year and this policy has no impact on them. The policy does not seek to influence the level of resources or commit the Partnership to a particular level of activity.
- 4.2 The costs for prosecutions in accordance with this policy will be in accordance with clause 3.21 of the constitution, however actions requested by individual council's which fall outside of the remit of this policy, where costs are incurred, would be met by that council.
- 4.3 The legal implications are set out in the attached policy.
- 4.4 Medway Council has developed a comprehensive Diversity Impact Assessment process to ensure policies reflect potential impact on residents due to their racial group, gender, disability, sexual orientation, age and religion. In line with this the first stage of a Diversity Impact Assessment has been carried out. The findings, as shown in Appendix 2, indicate that the policy does not need a full diversity impact assessment in this area.

#### **5. Recommendations**

- 5.1 The Joint Committee is asked to approve the Enforcement Policy as set out at Appendix 1.

#### **6. Suggested Reasons for Decisions**

- 6.1 By providing an enforcement policy, the Partnership can ensure that decisions to take action are consistent, fair, transparent to the community and proportionate to any breach of legislation.

**Lead officer contact**

Tony Van Veghel, Director, South Thames Gateway Building Control Partnership, Compass Centre, Chatham Maritime, Kent, ME4 4YH  
Tel: 01634 331552 E-mail: [tony.vanveghel@stgbc.org.uk](mailto:tony.vanveghel@stgbc.org.uk)

**Background papers**

Enforcement Concordat - available by visiting the Cabinet Office Web site at:  
[www.cabinetoffice.gov.uk/regulation/documents/pst/pdf/concord.pdf](http://www.cabinetoffice.gov.uk/regulation/documents/pst/pdf/concord.pdf)

Code for Crown Prosecutors - a full copy of the code is available from:  
[www.cps.gov.uk/Home/CodeForCrownProsecutors](http://www.cps.gov.uk/Home/CodeForCrownProsecutors)



## **SOUTH THAMES GATEWAY BUILDING CONTROL PARTNERSHIP**

### **ENFORCEMENT POLICY**

#### **1.0 Introduction**

- 1.1 Local Councils enforce legislation to protect the individual and the community as a whole. Council enforcement services carry out a range of activities with the aim of achieving this and to achieve compliance with legislation by individuals and businesses. The purpose of this policy is to publicly summarise South Thames Gateway Building Control Partnership's (STG's) enforcement policies adopted to seek such compliance. This document outlines the STG's policy and sets out how it will support the achievement of the overall aims of STG. The purpose of the policy is to secure effective compliance with legislation while minimising the burden to the three Councils, citizens and to businesses. It is ultimately the responsibility of individuals and businesses to comply with the law.

#### **2.0 Legal Duties**

- 2.1 The duty to enforce Building Regulations is contained in the Building Act 1984, Section 91.
- 2.2 Local authorities have a responsibility to enforce the Building Regulations in their area. The South Thames Gateway Building Control Partnership was formed on 01 October 2007 and brought together the building control sections from Gravesham, Medway and Swale councils. The Partnership operates under delegated powers from a Joint Committee made up of members representing the three authorities and now has the responsibility of administering and enforcing the building regulations on behalf of the three authorities.
- 2.3 The sole responsibility for prosecutions and serving notices under the Building Act 1984, Section 35 and Section 36, rests with local authorities. Approved Inspectors do not have this power.

#### **3.0 The Relationship Between Enforcement and Compliance With Legislation**

- 3.1 The role of Building Control in carrying out the administration of Building Regulations and associated legislation is complex. It takes many forms: at the first level it is an enforcement role; at the second level it is a role that helps to ensure compliance with the legislation without necessarily using enforcement powers.
- 3.2 In practice, the inter-personal skills, together with the technical and legislative skills of the Partnership's staff are key to achieving the correct standard of work. The skill is in using a combination of advice and assistance to ensure compliance and only reverting to enforcement in its

strictest sense as a last resort. Evidence that this approach works is witnessed by the fact that there are only a few prosecutions annually in the Magistrates Court in respect of contraventions of the Building Regulations.

- 3.3 The largest part of the role is assisting clients towards compliance; this is a two stage process in the area of plans submission, and when the work is in progress on site. The plans submission system lends itself to the surveyors helping the client towards compliance through good communication.
- 3.4 The site work is an area where compliance assistance and enforcement sit side by side. The two systems of work, the Building Notice route (which does not need plans to be submitted) and the Full Plans route (where builders work to the submitted application) sometimes require a different approach by the surveyors.
- 3.5 Under the existing system of Building Control anyone can build work to which the Regulations apply as there is no system of registration as in some other parts of the world. So there can be a full range of builders in terms of knowledge, experience, expertise and the finished quality of the building construction. Building Control Surveyors will help towards compliance by giving advice and by encouraging the builder to work correctly where necessary or to correct mistakes that have been made.
- 3.6 Enforcement will be necessary if contraventions occur on site and the builders do not correct the work, then the process of prosecution under the Building Act 1984, Section 35, may need to occur.
- 3.7 If the contraventions of the Building Regulations are not corrected on site and are deemed to be serious then a notice will be served under the Building Act, Section 36. This notice is served upon the owner and not the builder and requires the alteration, removal or correction of the offending works within a 28 day period. If this is not done, then the Partnership can recommend the relevant local authority to undertake remedial works in default and recover from the owner its reasonable expenses in connection with the work. There is a time limit of twelve months after which time the Act prohibits the serving of a notice.
- 3.8 Not all unauthorised work is discovered by surveyors and some may remain undiscovered for some time. Most unauthorised works come to the notice of the Partnership when the property is being sold. This is particularly so when dwellings are being sold. Beyond twelve months of the work being carried out, the Partnership has no power under the Building Act 1984 to serve notice upon the owner. However, in extreme cases the Council may apply to the Court for an injunction for the work to be put right. This power is used in extremely rare instances and the local authority must "come to the court with clean hands". In other words, they are likely to fail in their application for an injunction if they or someone else in another department of the Council had perhaps already known about the work.



#### **4.0 Regularisations**

- 4.1 The Building Regulations were amended some years ago to allow those people who had building work carried out that was unauthorised to apply to the local authority for a regularisation certificate.
- 4.2 Where work has commenced after 11 November 1985, and plans or notices were not submitted to the local authority the applicant can apply in writing to the Partnership for a regularisation certificate. The applicant is required to send with the application, plans and details of the work together with plans that show any additional work to be carried out to secure compliance with the Building Regulations that were applicable to the work when it was carried out.
- 4.3 This route is not a panacea and can be fraught with difficulties because the Partnership may take steps to determine whether relevant requirements are met. This may include laying open the work and taking samples. The Partnership will only issue a regularisation certificate when they are satisfied that the work complies and even then it may not be conclusive evidence that the relevant requirements specified in the certificates are met.

#### **5.0 Prosecution of Builders for Contravening the Building Regulations**

- 5.1 If a person carrying out building work contravenes the Building Regulations, the local authority may decide to take them to the magistrates' court where they could be fined up to £5000 for the contravention, and up to £50 for each day the contravention continues after conviction (section 35 of the Building Act 1984). This action will usually be taken against the builder or main contractor, and proceedings must be taken within two years from the completion of the work.
- 5.2 The Building Act 1984, Section 36, is the power for the Partnership to have offending work removed or altered. The subtlety is that the notice to carry out the work is served upon the owner of the property and not the builder, although in some cases they may be the same person. The owner may have had the misfortune to employ a poor builder and is then served a notice to carry out remedial work. Most cases that get this far result in the builder being removed from the job by the owner. The owner then has to pay another builder to have the work corrected. The Partnership has a twelve month time limit in the notice procedure from the time the work was completed after which it is unable to serve notice in default. The local authority may then do the work and recover from the owner reasonable expenses in carrying out the work.
- 5.3 Owners of buildings who have had a notice served upon them for the removal of offending work may get a suitably qualified person to write a report in connection with the offending work. If subsequently the report makes out a case and the local authority withdraws its notice then the local authority may pay to the owner the expenses reasonably incurred as a consequence of serving the notice.

## **6.0 Dangerous Buildings and Structures**

- 6.1 The Building Act 1984, Sections 77 and 78, give the Partnership powers on behalf of the Councils to deal with dangerous buildings and allow emergency measures to be taken where necessary.
- 6.2 A simplified explanation of the powers is that the building problems can be classified as those that require instant emergency action (The Building Act 1984, Section 78) and those where an unsatisfactory condition exists which needs to be corrected but not immediately. The powers differ quite significantly according to the seriousness of the situation.
- 6.3 Emergency situations can arise because of a variety of reasons such as storm damage, vehicle impact, collapse or partial collapse due to many factors. The Partnership will be called, probably by the police or fire service in most cases, and then will assess whether immediate action should be taken to remove the danger.
- 6.4 The local authority may take such steps as is necessary for the purpose of removing the danger but before doing so must give notice to the owner and occupier of the building or the premises, on which the structure is situated. Of course, it is not always possible to contact the owner and Section 78 recognises this and allows action to be taken if the owner cannot be contacted.
- 6.5 The local authority may recover from the owner the expenses reasonably incurred by them under this Section. The emergency measures may involve many technical solutions such as complete demolition, shoring, propping, or evacuation of personnel and isolating the area affected.
- 6.6 In other than emergency situations Section 77 is used. Then the course of action is through the Magistrates Court. The Partnership may apply to the Court for an Order to carry out such works as may be necessary to obviate the danger. Such Orders may include demolition of the building or part thereof and the removal of any debris resulting from the demolition. It may include an Order restricting use of the building or part thereof (due to overloading) until the Magistrates are satisfied that there is no further risk.
- 6.7 If there is no response by the person responsible then the local authority may execute the order in such a manner as it thinks fit and then recover the expenses reasonably incurred by it in doing so from the person in default. The person in default may be liable on summary conviction to a fine by the Court.

## **7.0 Defective Premises and Demolitions**

- 7.1 The Local Government (Miscellaneous Provisions) Act 1982, Section 29, gives local authorities, through the Partnership, the power to protect unoccupied buildings in their area or buildings where the occupier is

temporarily absent if it appears that the building is not effectively secured against unauthorised entry or is likely to become a danger to public health.

- 7.2 This often results in either boarding or securing windows or doors or some form of fencing off preventing access into the property. The local authority may recover expenses reasonably incurred from any person to whom it has given notice or would have given notice had they been contactable under this Section.
- 7.3 The Partnership has the power to serve notice about intended demolitions where notice has been given under The Building Act 1984, Section 80. A copy of the notice is sent to the owner and/or occupier of any building adjacent to the one to which the notice relates. Further copies are sent to statutory undertakers, the Fire Authority and the Health and Safety Executive.
- 7.4 The notice may require shoring up, weatherproofing, repair and making good damage to any adjacent building. It may also require removal of material and rubbish, disconnection and sealing drains or sewers and making good the surface of the ground disturbed in so doing. The notice may also require arrangements for the disconnection of the supply of gas, electricity and water to the building and may stipulate conditions in which the site is to be left on completion of the demolition in order to protect the public and preserve public amenity.

## **8.0 Compliance**

- 8.1 A range of activity is used to ensure compliance with legislation. Building Control staff carry out inspections of sites and premises on a routine and programmed basis in response to requests for statutory and non statutory inspections and as a response to complaints and enquiries from the public about businesses and individuals. There also education and intelligence-based activities as well as information passed on from other colleagues in the three authorities. Where non-compliance is discovered, options to seek and promote compliance include:

Explaining legal requirements and, where appropriate, the means to achieve compliance;

Providing an opportunity to discuss points in issue and where appropriate consideration of reasonable timescales to achieve compliance;

Service of advisory letters, warnings or statutory notices detailing non-compliance;

Enforcement actions including, but not limited to; cautions, prosecutions, injunctions and notices requiring works to be carried out within specific timescales, with the potential for work to be carried out in default as a last resort.

## **9.0 Principles of Enforcement**

9.1 In March 1998 the Cabinet Office, Better Regulation Unit, issued a document aimed at Principles of Good Enforcement. This is known as the Enforcement Concordat and this document makes it clear that the expectations are that a firm but fair approach is required. The Local Government Association has recommended all authorities to adopt the Concordat in their regulatory areas; Building Control is at the forefront of its usage.

9.2 The three Partner Authorities have signed up to the Concordat and therefore its principles will be followed by STG Building Control Partnership.

9.3 The following principles underpin this approach:

Standards and Procedures

Helpfulness

Openness

Transparency

Proportionality

Consistency

Targeting

Complaints about Service

9.4 Standards and Procedures

The Partnership produces standards and procedures in respect of the level of service and performance to be expected across the range of Building Control issues. Such standards are produced following consultation with relevant parties.

The Partnership publishes its performance against the standards.

The standards and procedures are readily available to businesses and others who are regulated.

9.5 Helpfulness

The Partnership will deal courteously and efficiently with all individuals, organisations and businesses that it comes into contact with. Staff will identify themselves by name and contact numbers will be made available. Electronic means of communication (for example, e-mail) will be facilitated wherever possible.

9.6 Openness

Information and advice will be provided in plain language, and details of charges etc. will be made readily available. Translation services will be made available where practicable to assist customers who do not have English as their first language.

## 9.7 Transparency

Transparency is important in maintaining public confidence in the Partnership's regulatory capability. The Partnership will help those being regulated and others to understand what they need to do and how it may be achieved and will also make its own role in the matter clear.

The Partnership will explain carefully (and, if necessary, in writing) why the action is necessary, who must carry it out, and by what date it must be carried out. A clear distinction will be made between legal requirement, a request, and best practice.

The Partnership will give every reasonable opportunity for discussion before formal enforcement action is taken, unless urgent action is necessary to protect the health and safety of the public or protect the environment, or to prevent the destruction of evidence that would compromise the case. In such circumstances, the Partnership will give a written explanation of its reasons for taking immediate action and this will be done as soon as practicable after the event.

The Partnership will give written notice of any rights of appeal against enforcement action at the time that the action is taken.

## 9.8 Proportionality

Proportionality means relating enforcement action to the risks. Enforcement action will be proportional to the degree of harm / risk the seriousness of any breach and to the particular circumstances of the case.

In taking enforcement action, the Partnership will attempt to minimise compliance costs, and recognises that householders, small businesses and voluntary and community groups frequently have to achieve compliance at minimal cost.

## 9.9 Consistency

The Partnership will carry out enforcement in a fair, equitable, and consistent manner in accordance with its policies and procedures. Similar approaches will be taken in similar circumstances to achieve similar ends. However, the Partnership recognises that consistency does not mean uniformity and staff are required to take professional decisions that take account of a wide variety of situations and circumstances. Staff are also expected to take account of local and national standards and guidance, and be aware of this policy. The attitude of the person or organisation subject to enforcement action will also be considered in deciding how enforcement action should proceed.

## 9.10 Targeting

Targeting means making sure that enforcement activity is targeted primarily on those whose activities give rise to the most serious risks or

hazards which are least well controlled; and that action is focused on those who are responsible for the risk and who are best placed to control it.

#### 9.11 Complaints Procedure

The Partnership has a formal complaints procedure and first stage complaints against the service are dealt with directly by the Director of the Partnership. Second stage complaints are dealt with by the Chief Executive of the relevant authority. Information regarding the formal complaints procedure may be obtained from the Head of Administration and Business Development on tel: 01634 331600 or through the Partnership's Internet web site: [www.stgbc.org.uk](http://www.stgbc.org.uk).

9.12 In addition to the Partnership's own complaints procedures, the Local Government Ombudsman hears complaints regarding local government mal-administration, and details of this service are also available from the Head of Administration and Business Development.

### 10.0 Enforcing Building Control

10.1 The Council's primary concern is to ensure compliance with the Building Regulations. This is best achieved by encouraging those responsible for the design and construction of buildings to comply with the functional requirements of the Building Regulations and associated legislation.

10.2 As a signatory to the Government's Enforcement Concordat, STG has adopted a graduated approach to enforcement, commencing with an educative approach.

10.3 Officers will be aware that they are an important source of help on the maintenance of good standards in conformity with the law and will therefore provide education and guidance wherever practicable.

10.4 Officers have to exercise considerable discretion when approaching individual cases and will initiate the type of enforcement action warranted by the nature and severity of the risk, hazard or contravention that has been identified. A combination of types of action may well be appropriate.

10.5 In determining the course of action, an Officer will have regard to the current willingness and intentions of the responsible person to comply and their previous record of compliance.

10.6 If an Officer identifies any risk, hazard or contravention, this will be drawn to the attention of the person responsible for the work activity at that time or as soon as that person can be identified and contacted.

10.7 Whatever the type or nature of action chosen, it will be because it achieves the Officers primary concern as described above, and will be

proportionate to the level of risk identified and the seriousness of any breach.

- 10.8 Departures from the Enforcement and Prosecution policy must be exceptional and the reasons will be documented.

### **11.0 Powers of Entry**

- 11.1 The Partnership cannot carry out their enforcement role without having the ability to enter premises. Building Control Officers have a power that is set out in the Building Act 1984, Section 95. This power is one of the most important responsibilities carried by the organisation and its individuals and so the Act is quite specific about the conditions pertaining to the right to enter.

- 11.2 The officer must be authorised by the Partnership through the delegated powers of the Joint Committee and if so required produce a duly authenticated document showing their authority. This is done by an identification card that has a photograph, signature and authorisation from the three authorities to the Partnership.

- 11.3 The officer can enter premises at all reasonable hours providing there is a legitimate reason for doing so, such as ascertaining whether there are contraventions of the Building Act 1984 or the Building Regulations. Entry to factories or workplaces can be demanded under the requirements of the Act but in other premises if entry is refused there must be 24 hours notice given to the occupier.

- 11.4 If entry is refused then the Partnership may ask the Justice of the Peace to warrant under his hand and authorise the Partnership by any authorised officer to enter the premises if need be by force.

- 11.5 The Building Act 1984, Section 96, does allow the officer to take other people into the premises with him as may be necessary. This may, in extreme cases, mean the police but in many cases it may be a builder or perhaps a fire officer.

### **12.0 Content of Enforcement Notices**

- 12.1 Notices served under the Building Act 1984, Section 36, have to be served in accordance with the Building Act 1984, Section 99, which requires the notice to indicate the nature of the works to be executed and state the time within which they are to be executed.

- 12.2 If the person required to execute the works fails to do so within the time limit the Partnership, through the local authority, may themselves execute the work and recover from that person the expenses reasonably incurred by them. The defaulter may be liable on summary conviction to a fine and to continuing daily fines on which the default continues after conviction.

### **13.0 Modernising the System**

- 13.1 The results of the recent consultation on the Future of Building Control identified a number of issues of concern to stakeholders. Levels of inspection and compliance particularly in areas which are perceived to be optional (i.e. those not directly related to health and safety) are lower than they should be; Building Control bodies are under increasing resource pressure which is pushing levels of inspections down; enforcement options are limited and do not provide an effective mechanism for dealing with serious problems or persistent offenders.
- 13.2 One potential action that has been proposed is to build on the current Building Control Performance Standards to further develop an effective risk based approach to inspection and enforcement. Building on the recommendations of the Macrory Review and best practice developed in other regulatory regimes, develop and implement a clear risk based compliance and enforcement strategy which would provide a framework to aid Building Control bodies in raising compliance levels. This could, for example, help identify those organisations and/or projects that presented the greatest risk of non compliance with one or more parts of the regulations. Further development of a stepped approach to achieving compliance under different circumstances could range from education and on site advice at one end to full inspection at the other. This would also provide the use of a broader range of risk based sanctions.
- 13.3 A further action that is proposed is to develop a wider range of sanctions for non compliance and greater powers of enforcement, particularly against persistent offenders. Although the majority of difficulties can be resolved by the type of early interventions referred to above, in a small number of cases sanctions are needed to ensure compliance. At present local authority enforcement powers in relation to Building Control are subject to restrictive time limits and financial penalties are often relatively minor, which can encourage evasion. The recent Macrory Review suggested the development of a wider range of sanctions and the Government are looking into whether some of these may be appropriate for Building Control. Options could, for example, include powers to issue stop notices, powers to levy administrative penalties, powers to prevent occupation until compliance is achieved, and/or heavier fines linked to the cost of correcting non compliant work.

### **14.0 Building Control Enforcement Policy**

- 14.1 The aim of STG Building Control Partnership is to administer and enforce the Building Regulations, Building Act 1984, and any associated legislation to protect the health and safety of people in and around all types of buildings and provide for energy conservation and access to and use of those buildings.
- 14.2 The decision to use enforcement action will be taken on a case by case basis and, to ensure consistency of approach, in accordance with this and any other more specific policies which may be relevant. The action



taken, which may be immediate, will be proportionate to the gravity of the non-compliance.

**14.3 Factors that will be taken into consideration include, but are not limited to:**

The risk that the non-compliance poses to the safety, health or economic welfare of the public at large or to individuals;

Evidence that suggests that there was premeditation in the commission of an offence;

The alleged offence involves a failure to comply in full or in part with the requirements of a statutory notice or order;

There is a history of previous warnings/cautions, or the commission of similar offences;

Aggravated circumstances such as obstruction of an officer or aggressive behaviour towards the public;

The offence, although not serious itself, is widespread in the area where it is committed;

There has been reckless disregard of health and safety requirements;

False information has been supplied wilfully, or there has been an intent to deceive.

**14.4 In general, when taking enforcement action, the Partnership will:**

Target resources towards those activities that give rise to the most serious breaches and any enforcement action taken will be primarily against those who have greatest responsibility for any breaches;

Seek to adopt the most effective approach to enforcement by co-ordinating action between other regulatory services, both internal and external to the council;

Clearly explain what needs to be done, why and by what date it needs to be rectified;

Distinguish between requirements that are stated in law and recommendations that are intended to achieve higher standards;

On complex matters, confirm in writing any legal contraventions that require rectification and the consequences of failing to remedy them;

Provide an opportunity to discuss issues before formal action is taken, unless it would provide an unacceptable delay in achieving compliance or in removing danger;

Seek to resolve disagreements about contraventions and remedies.  
Explain any rights of appeal that exist where formal enforcement action is taken, for example where a legal notice is served.

- 14.5 Prosecution will only be instigated following review of the matter by the Director of STG Partnership in consultation with the Partnership's legal advisors and the relevant council's legal department.

Before taking action the Partnership will normally consider whether there is a shared or complimentary role with another agency, for example the police, and liaise with that agency as far as is practicable and the urgency of the matter permits.

### 15.0 Legal and Policy Context

- 15.1 Enforcement actions are taken within the context of a legal and policy framework. The Partnership will carry out their enforcement-related work with due regard to the Enforcement Concordat. This concordat arises from a central government initiative and has been adopted by each of the Councils. The concordat lays out the principles of good enforcement. These are:

Publishing clear standards, setting out the level of service and performance that the public and businesses can expect to receive;

Dealing with the public and the business in an open and honest way  
Providing a courteous, efficient and helpful service;

Responding promptly and positively to complaints about the service;

Ensuring that enforcement action is proportionate to the risks to the public;

Carrying out duties in a fair, equitable and consistent manner.

- 15.2 A full version of the Enforcement Concordat is available obtained by visiting the Cabinet Office Web site at [www.cabinetoffice.gov.uk/regulation/documents/pst/pdf/concord.pdf](http://www.cabinetoffice.gov.uk/regulation/documents/pst/pdf/concord.pdf)

- 15.3 Where a decision to prosecute is made, this decision will be taken in accordance with the Code for Crown Prosecutors, which details considerations to be taken into account before commencing prosecution proceedings. A full copy of the code is available from:

The Crown Prosecution Service  
29 Union Street  
Maidstone  
Kent ME14 1PT  
Tel: 01622 356300  
Fax: 01622 356370  
Web: [www.cps.gov.uk/Home/CodeForCrownProsecutors](http://www.cps.gov.uk/Home/CodeForCrownProsecutors)

15.4 Enforcement decisions and actions will be made with due regard to the provisions of:

The Human Rights Act;

The Crime and Disorder Act;  
Equal rights and anti-discrimination legislation;

Service specific legislation;

All other relevant legislation applicable from time to time.

15.5 If it is in the public interest, matters concerning non-compliance may be shared, where appropriate, with other enforcement agencies. Any such action will be undertaken in compliance with the Data Protection Act 1998.

15.6 The Partnership is aware of the need to ensure that all members of the community allowed equal access to services. It will offer assistance to those who do not speak English as their first language and make appropriate arrangements to assist those who consider themselves disabled within the meaning of the Disability Discrimination Act 1995.

#### **16.0 Authorisation of Officers**

16.1 Only officers who are competent by training, qualification and/or experience will be authorised to take enforcement action. Officers will also have sufficient training and understanding of this enforcement policy to ensure a consistent approach to their duties. Officers are required to show their authorisations on demand.

#### **17.0 Review of Policy**

17.1 The implications and effectiveness of this policy will be constantly monitored.

17.2 This policy will be reviewed every twelve months to reflect the changes indicated by internal monitoring, by legislation or by guidance from Communities and Local Government or Local Authority Building Control.

As of 1 March 2009



## Diversity Impact Assessment: Screening Form

<b>Directorate Regeneration Culture and Community</b>	<b>South Thames Gateway Building Control Partnership Enforcement Policy</b>	
Officer responsible for assessment  Tony Van Veghel, Director	Date of assessment  9 March 2009	New or existing?  New
<b>Defining what is being assessed</b>		
<b>1. Briefly describe the purpose and objectives</b>	To ensure compliance with the Building Act 1984 by enforcing the Building Regulations across three boroughs. Deal with dangerous structures, demolitions, unauthorised work.	
<b>2. Who is intended to benefit, and in what way?</b>	Residents, businesses and visitors to Medway.	
<b>3. What outcomes are wanted?</b>	The consistent, fair and transparent enforcement of the Building Regulations and allied legislation.	
<b>4. What factors/forces could contribute/detract from the outcomes?</b>	Contribute Legal resources available from the lead authority (currently Gravesham). Support from the three constituent Authorities legal departments. Training for staff. Resources available from the Partnership.	Detract Insufficient resources to meet the strict time constraints.
<b>5. Who are the main stakeholders?</b>	The three boroughs in the Partnership, Medway, Gravesham and Swale. Property owners, businesses, developers and architects.	
<b>6. Who implements this and who is responsible?</b>	Building Control staff, Director of STG Partnership, legal advisors and the relevant council's legal department.	

<b>Assessing impact</b>		
<b>7. Are there concerns that there <u>could</u> be a differential impact due to racial groups?</b>	YES	
	NO	
<b>What evidence exists for this?</b>	All enforcement actions are processed in the same way.	
<b>8. Are there concerns that there <u>could</u> be a differential impact due to disability?</b>	YES	
	NO	
<b>What evidence exists for this?</b>	All enforcement actions are processed in the same way.	
<b>9. Are there concerns that there <u>could</u> be a differential impact due to gender?</b>	YES	
	NO	
<b>What evidence exists for this?</b>	All enforcement actions are processed in the same way.	
<b>10. Are there concerns there <u>could</u> be a differential impact due to sexual orientation?</b>	YES	
	NO	
<b>What evidence exists for this?</b>	All enforcement actions are processed in the same way.	
<b>11. Are there concerns there <u>could</u> be a have a differential impact due to religion or belief?</b>	YES	
	NO	
<b>What evidence exists for this?</b>	All enforcement actions are processed in the same way.	
<b>12. Are there concerns there <u>could</u> be a differential impact due to people's age?</b>	YES	
	NO	
<b>What evidence exists for this?</b>	All enforcement actions are processed in the same way.	

13. Are there concerns that there <u>could</u> be a differential impact due to <i>being trans-gendered or transsexual</i> ?	YES	
	NO	
What evidence exists for this?	All enforcement actions are processed in the same way.	
14. Are there any <i>other</i> groups that would find it difficult to access/make use of the function (e.g. people with caring responsibilities or dependants, those with an offending past, or people living in rural areas)?	YES	
	NO	
What evidence exists for this?	All enforcement actions are processed in the same way.	
15. Are there concerns there <u>could</u> be a have a differential impact due to <i>multiple discriminations (e.g. disability and age)</i> ?	YES	
	NO	
What evidence exists for this?	All enforcement actions are processed in the same way.	
<b>Conclusions &amp; recommendation</b>		
16. Could the differential impacts identified in questions 7-15 amount to there being the potential for adverse impact?	YES	Brief statement of main issue
	NO	
17. Can the adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or another reason?	YES	Please explain
	NO	Not applicable
<b>Recommendation to proceed to a full impact assessment?</b>		
NO	This function/ policy/ service change complies with the requirements of the legislation and there is evidence to show this is the case.	
	What is required to ensure this complies with the requirements of the legislation? (see DIA Guidance Notes)?	Minor modifications necessary (e.g. change of 'he' to 'he or she', re-analysis of way routine statistics are reported)  No information is collected routinely on Diversity.

	<b>Give details of key person responsible and target date for carrying out full impact assessment (see DIA Guidance Notes)</b>	N/A
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<b>Action plan to make Minor modifications</b>		
<b>Outcome</b>	<b>Actions (with date of completion)</b>	<b>Officer responsible</b>
Better understanding about applicants community identity	Find out about best practice. By end of March 2009.  Implement collection of diversity information on enforcement cases. From 1 April 2009.	Tony Van Veghel

<b>Planning ahead: Reminders for the next review</b>		
<b>Date of next review</b>	March 2010	
<b>Areas to check at next review (e.g. new census information, new legislation due)</b>	Diversity data.	
<b>Is there <i>another</i> group (e.g. new communities) that is relevant and ought to be considered next time?</b>	N/A	
<b>Signed (completing officer/service manager)</b>	<b>Date</b>	
<b>Signed (service manager/Assistant Director)</b>	<b>Date</b>	



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# **South Thames Gateway Building Control Joint Committee**

**17 March 2009**

**Revenue Budget Monitoring**

**ITEM: 5(C)**



**SOUTH THAMES GATEWAY BUILDING CONTROL  
JOINT COMMITTEE**

**17 MARCH 2009**

**SOUTH THAMES GATEWAY BUILDING CONTROL  
REVENUE BUDGET MONITORING**

Author: Mick Hayward, S151 officer to the Joint Committee

**Summary**

The report sets out the forecast variation against the Partnership's revenue budget for 2008/2009, based on February data, and explains the more significant underlying factors.

**1. Budget and Policy Framework**

- 1.1 The Joint Committee has a key role in monitoring the budgetary control of the Partnership.

**2. Background**

- 2.1 Monitoring against the revenue budget is reported on a monthly basis to the Partnership's Officer Steering Group, but it is also appropriate that the Joint Committee be updated at its quarterly meetings.
- 2.2 Where savings are achieved against budget, these will generally be ring-fenced for future investment in the Partnership, the exception being the agreement to repay set-up costs from 'consultancy' generated profits. Where losses against budget arise, the constituent authorities are required to make additional contributions to fund the shortfall.

**3. Current Forecasts**

- 3.1 Appendix 1 attached details the forecasts of income and expenditure based on data to February 2009. It is anticipated that a deficit of £259,000 will accrue as a result of the downturn in the economy.
- 3.2 The effect of the credit crunch, recession and the reduction of conveyancing have all resulted in the current forecast income of £1,076,000. This is £330,000 below target.

3.3 The current forecast for expenditure is £1,710,000. Measures have been put in place to reduce staffing and other costs in 2008/09 by £83,000 to help offset the loss of income.

3.4 At this level of deficit, additional contributions for 2008/2009 will be required from the constituent authorities as follows:

Medway £137,000  
Gravesham £52,000  
Swale £70,000

#### **4. Financial Implications and Legal Implications**

4.1 The financial implications are detailed within paragraph 3 above. There are no direct legal implications arising from this report.

#### **5. Recommendations**

5.1 The Joint Committee is asked to note the forecast deficit for 2008/2009 and the estimated additional contributions that will be required as detailed in paragraph 3.4 above.

#### **6. Suggested Reasons for Decisions**

6.1 The Joint Committee has a key role in monitoring the budgetary control of the Partnership.

#### **Lead officer contact**

Mick Hayward, S151 Officer, South Thames Gateway Building Control Partnership, Compass Centre, Chatham Maritime, Kent, ME4 4YH  
Tel: 01634 332220

#### **Background papers**

Business Plan and Revenue Budget 2008/2009 report to STG Building Control Joint Committee – 10 June 2008.

## Appendix 1

	<b>Budget</b>	<b>Forecast</b>
	<b>Apr 08 – Mar 09</b>	<b>Apr 08 – Mar 09</b>
<b>Direct Costs</b>		
Staffing	1,502,714	1,428,904
Premises	98,652	94,723
Transport	59,171	57,901
Supplies and Services	95,802	91,492
<b>Total STG Direct Costs</b>	<b>1,756,339</b>	<b>1,673,020</b>
<b>Support Services</b>		
HR Services	5,760	5,760
Legal Services	5,290	5,290
ICT Support	16,150	16,150
Finance Support	10,000	10,000
<b>Total STG Support Services Costs</b>	<b>37,200</b>	<b>37,200</b>
<b>Total STG Expenditure</b>	<b>1,793,539</b>	<b>1,710,220</b>
<b>Direct Income</b>	<b>(1,425,637)</b>	<b>(1,076,080)</b>
<b>Contributions Payable by Authorities</b>		
Medway	(202,967)	(202,967)
Gravesham	(46,674)	(46,674)
Swale	(125,991)	(125,991)
<b>Total Contributions</b>	<b>(375,632)</b>	<b>(375,632)</b>
<b>(Surplus) / Deficit</b>	<b>(7,730)</b>	<b>258,508</b>





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**Swale**  
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# **South Thames Gateway Building Control Joint Committee**

**17 March 2009**

**Performance Monitoring**

**ITEM: 5(D)**



## **SOUTH THAMES GATEWAY BUILDING CONTROL JOINT COMMITTEE**

**17 MARCH 2009**

### **PERFORMANCE MONITORING**

Author: Tony Van Veghel, Director, South Thames Gateway Building Control Partnership

#### **Summary**

This report informs the Joint Committee of performance during 2008/2009.

#### **1. Budget and Policy Framework**

- 1.1 The Joint Committee has a key role in monitoring the performance of the partnership and in ensuring that any actions arising are followed through.

#### **2. Background**

- 2.1 The Government's Improvement and Development Agency define performance management as "taking action in response to actual performances to make outcomes for users and the public better than they would otherwise be".
- 2.2 At the outset of the Partnership it was agreed that managing performance would be integral in ensuring service delivery is continually improved and customer expectations are met by achieving challenging standards and targets.
- 2.3 Competition between Local Authorities and Approved Inspectors in the provision of Building Control services provides a stimulus to greater efficiency and high standards of service to the customer. However, it has been recognised that the same market forces also have the potential to drive down Building Control standards thereby threatening the health and safety of building users.
- 2.4 Because Building Control is unique as a regulatory service which is open to competition from the private sector it does not have national key performance indicators to benchmark its performance against, unlike planning, environmental health, housing etc.
- 2.5 A substantial amount of work has been carried out by a Building Control Services Steering Group (made up from members representing the Local Authority Building Control, the Association of Corporate Approved Inspectors, the Local Government Association and the Construction Industry Council) to develop a set of standards which can be applied to

both the public and private sector. Because of the complexity in trying to compare sometimes quite diverse work types and volumes, a lead time was agreed before these would need to be reported on. These now feature in the draft Business Plan 2009/10 and will be monitored throughout the year and reported to Members quarterly.

- 2.6 Where data is available for 2008/09 we will produce the relative statistics on these standards in order to have something to benchmark against next year. We do, however, have a number of local indicators, set out below, which were devised to monitor performance against a number of critical targets required to meet legislative deadlines and to test against customer satisfaction.

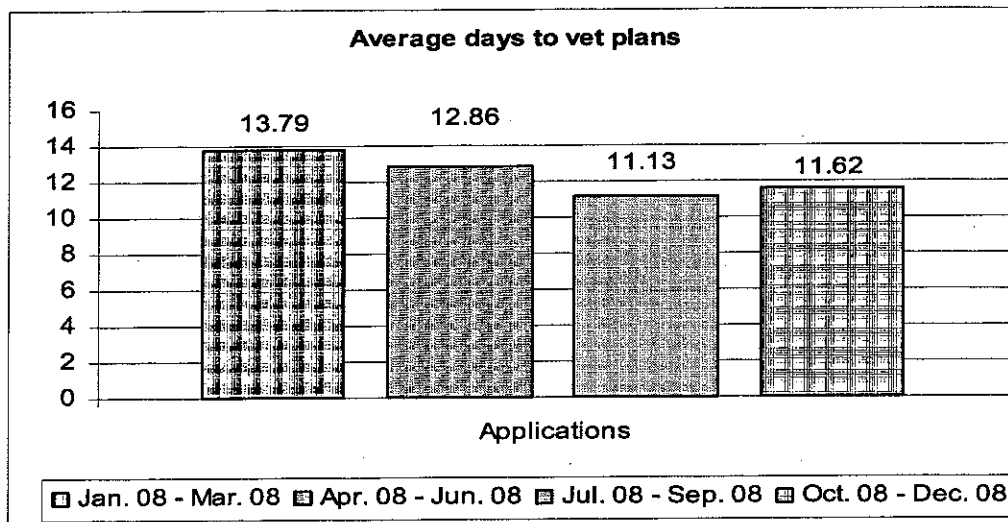
### 3. Local Performance Indicators

- 3.1 In previous customer surveys carried out by Kent Building Control the two most important aspects of the service were:

- the speed of checking applications
- the response to requests for site visits.

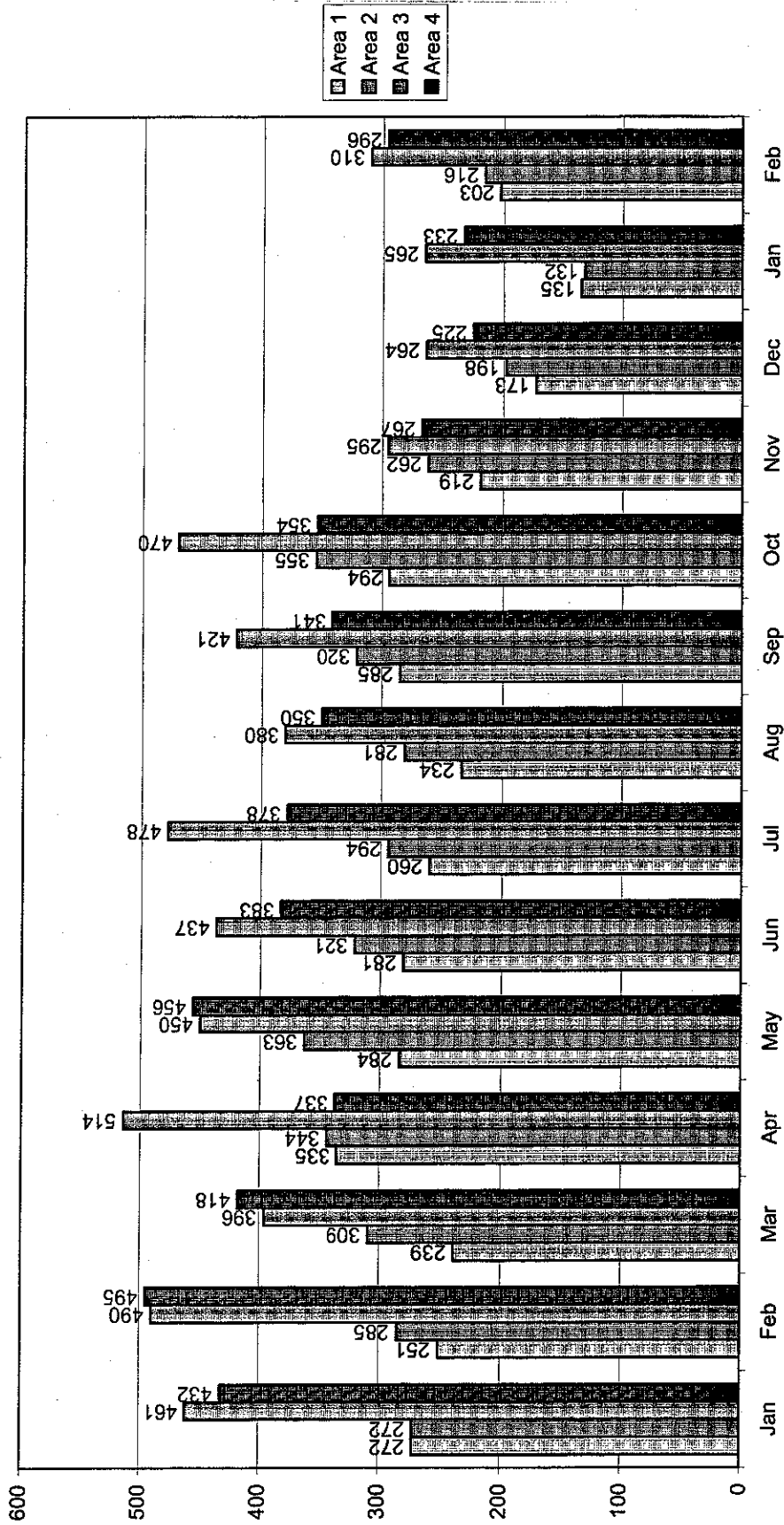
The first two indicators therefore reflect applications checked within 10 and 15 working days and responses to requests for visits.

- 3.2 The graph below indicates the improvements to service achieved over the last four quarters and the average time taken to check applications. With the proposal to apply some of the principles of the partnering scheme to selected practices to generate a good deal of income to us through their local applications we expect to see further improvements to this through 2009/10 and we will be looking to improve on the adopted building control standards of 100% of plans checked within 15 working days.



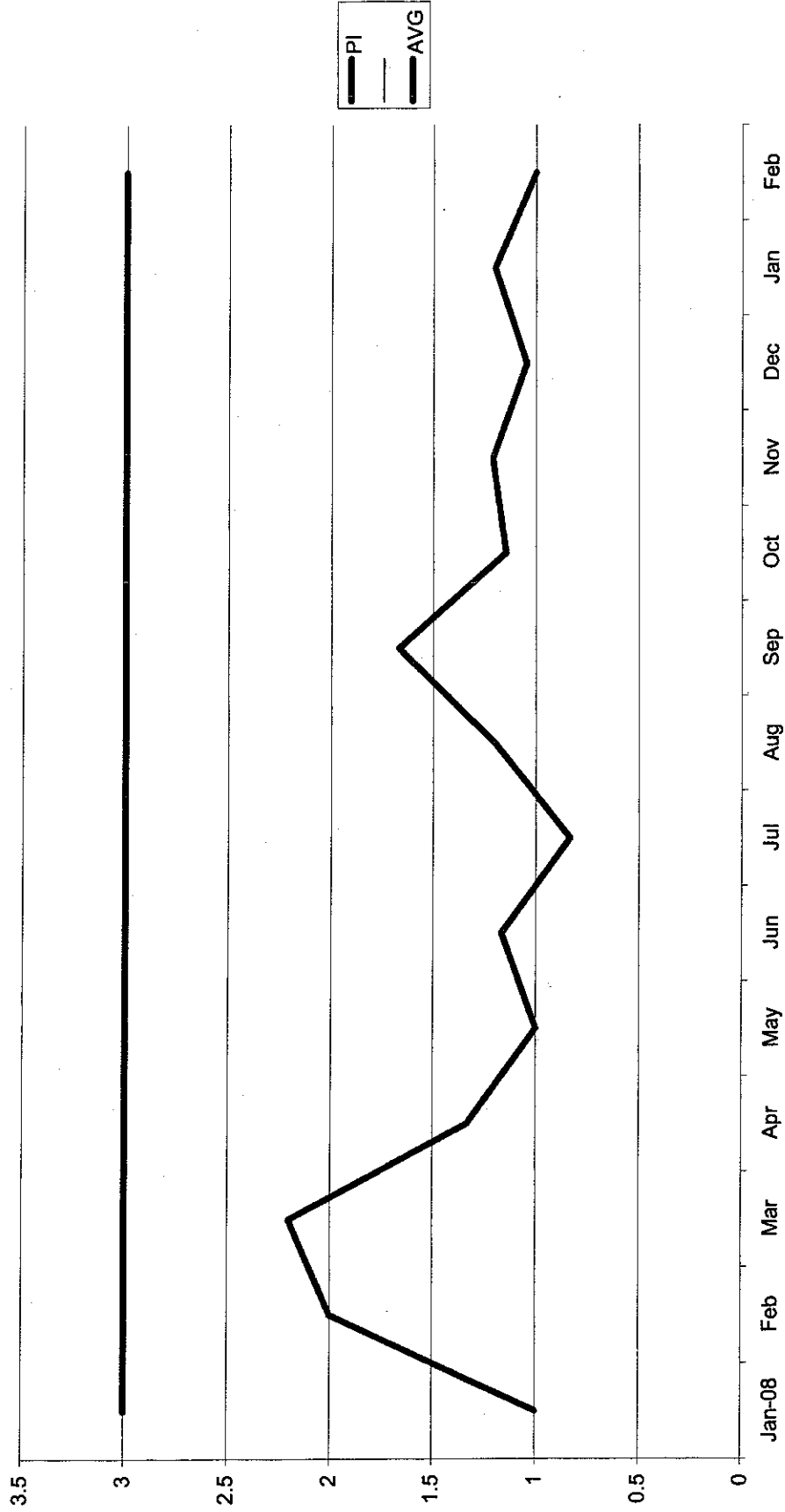
- 3.3 With regard to site inspections we have continued to offer the same day service when notified before 10am. However, there has been a significant take up of the improved service we now offer regarding early morning visits. The statistics for monthly inspections over the four areas are shown in the following table:

**Monthly Inspection Count  
January 2008 to February 2009**



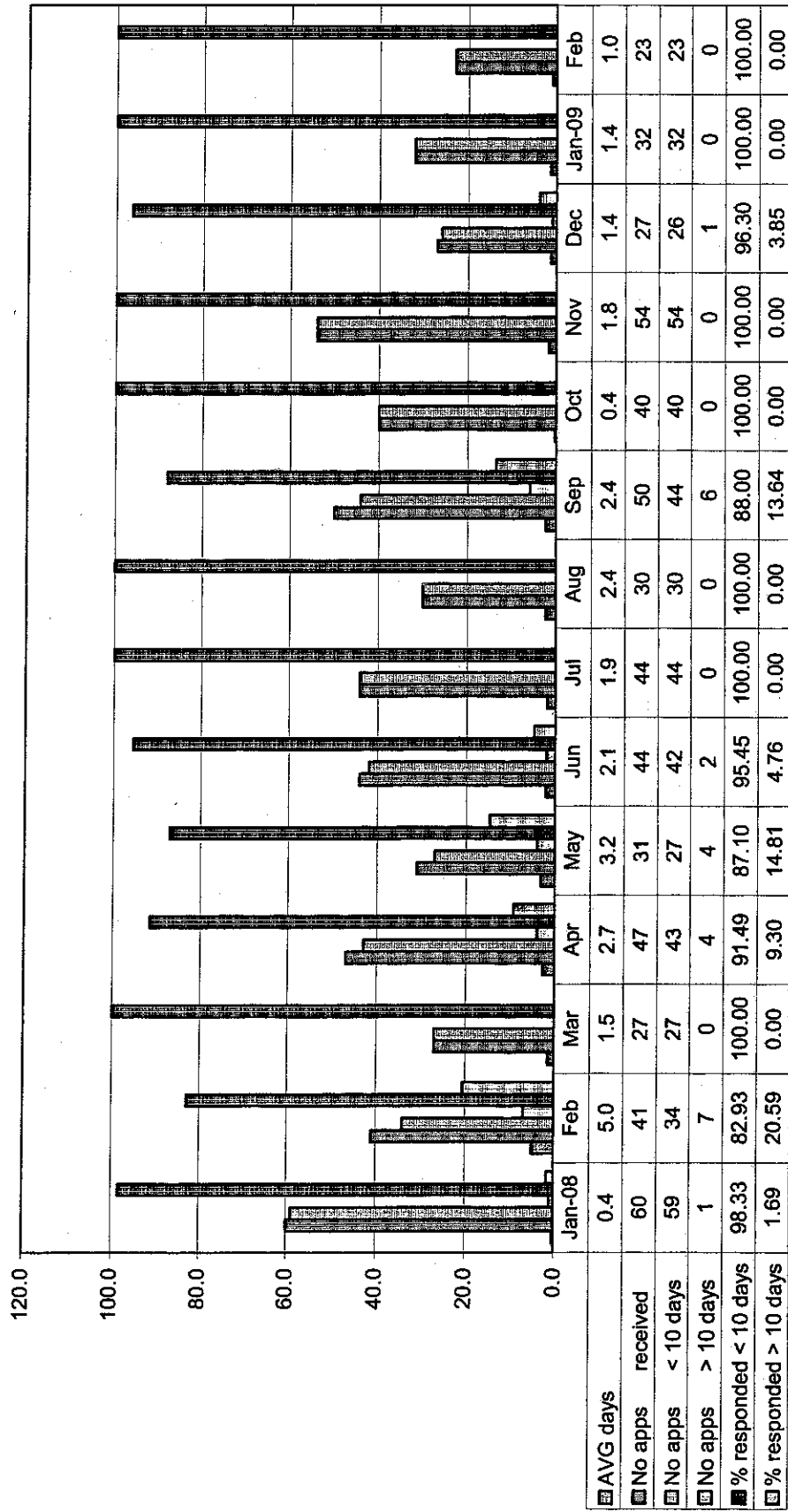
3.4 It was also identified in the surveys that customers wanted an early acknowledgement of their application and details of the next process and who was dealing with it. This has been addressed through our acknowledgement letter and a target time of 3 days given to the technical assistants to validate the application and respond to the agent or owner. The graph below indicates the average processing time against this performance indicator from January 2008 to February 2009. This demonstrates that we have achieved 100% in this performance indicator.

**January 2008 to February 2009  
Average processing days per month against Performance Indicator**

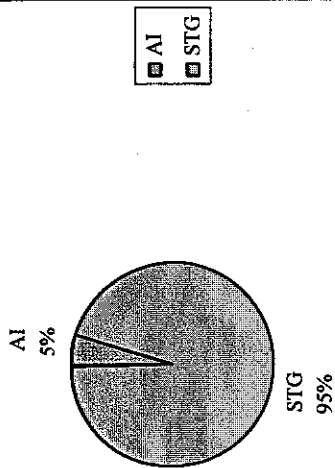


3.5 Another important client group that requires responses in set time limits are solicitors and conveyancing companies dealing with house sales. The introduction of Home Improvement Packs has increased the demand in this area. As this was a new service in 2008/09 we set a target of 10 days for responses. The graph on the next page indicates performance against that target where we have achieved between 82% to 100%.

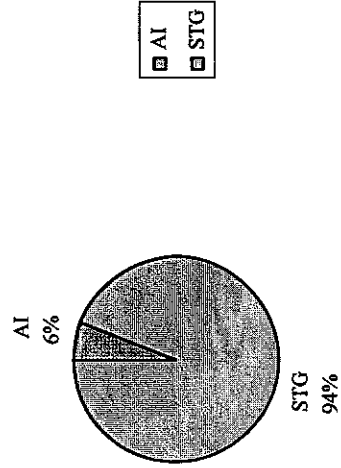
**HIP Processing  
January 2008 to February 2009**



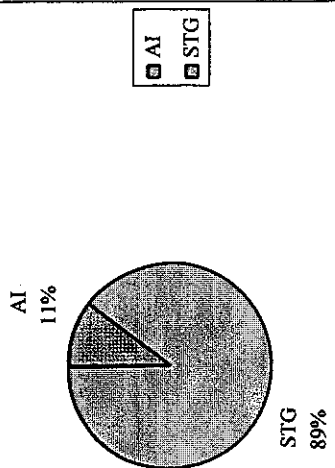
Market share by application Jul.-Sep. 08



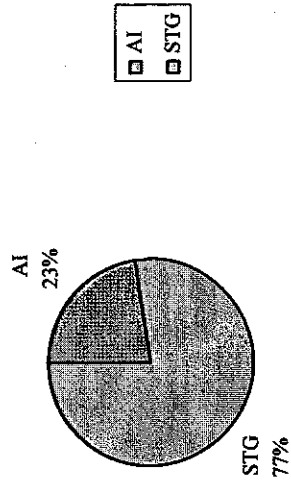
Market share by application Oct.-Dec. 08



Market share by income Jul. - Sep. 08



Market share by income Oct. - Dec. 08





#### 4. Benchmarking

- 4.1 As mentioned in the background section, because of the competition element to the service and the vast range of duties local authority building control units carry out, it has not been possible to produce a set of indicators which can easily be benchmarked against.
- 4.2 In order to address this balance LABC has worked with the Audit Commission to produce the Quality Performance Matrix. This looks at nine key areas of the service which are specific to local authorities. We have reviewed our operation against the criteria for these nine key areas through 2008/09 and the resultant score will enable us to benchmark against this compared to other Partnerships or other local authorities throughout the UK next year.

<b>Quality and Performance Matrix (2008) for the Building Regulation Function</b>			
<b>For</b>			
<b>South Thames Gateway Building Control Partnership</b>			
		<b>Current Score March 09</b>	<b>Maximum Score</b>
Column 1	Enforcement and Complaints	7.5	12
Column 2	Quality Management And Financial	9	16
Column 3	Accessibility of Service	5	6
Column 4	Customer Communication	4.5	8
Column 5	Service Initiatives	5	6
Column 6	CPD, Staff Training & Qualification	8	8
Column 7	Consultation, Assessment of plans and achieving records	10	16
Column 8	Site inspection, completion and archiving records	10	16
Column 9	Review of overall performance	10	12
	<b>Percentage Assessment Score</b>	<b>69.00</b>	<b>100.00</b>

#### 5. Conclusion

- 5.1 The performance indicators included in this report form an integral part of our ISO 9000 Quality Management Accreditation. We currently review the statistics at monthly management meetings and they are also reported to Steering Group and through end of year reports to Joint Committee. Further data analysis is undertaken by Managing Surveyors and Head of Administration and these results are fed back at fortnightly meetings. These examine more closely individuals performance and outcomes and are also discussed at regular one to

one meetings which ensure each member of staff is achieving their goals and targets identified in their personal development review.

- 5.2 Effective performance management requires:
- Systematically deciding and communicating what needs to be done (aims, objectives, priorities and targets)
  - A plan for ensuring that it happens (improvement, action or service plan)
  - Some means of assessing if this has been achieved (performance measures)
  - Information reaching the right people at the right time so decisions are made and actions taken (performance reporting)

5.3 We were committed in the first business plan to use performance management principles to help deliver a quality building control service. We have used local performance indicators to set targets and objectives that have been identified in subsequent business and service plans and use the reporting mechanisms at management team, steering group and joint committee to ensure there is an understanding of what has been achieved to set further objectives for the future. Through the quality assured process we put forward ideas for continual improvement and through the engagement of staff and stakeholders we identified specific measures to put in place, monitor and report on. This ensures the Partnership is reactive to customers expectations and to changes required by legislation or the effects of the economy.

5.4 We will be using these local indicators, the Quality Performance Matrix and the nationally agreed Standards to benchmark ourselves against comparable local authorities and Partnerships to ensure we deliver an efficient, cost effective, quality service to our customers.

## **6. Financial and legal implications**

6.1 There are no direct financial or legal implications arising from this report

## **7. Recommendations**

7.1 The Committee is asked to consider and note the current performance as set out in the report.

## **8. Suggested reasons for decision(s)**

8.1 The Joint Committee has a key role in monitoring the performance of the Partnership and in ensuring that any actions arising are followed through.

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**Background papers**

There are no background papers accompanying this report

