

BUILDING CONTROL SERVICE

Service Level Agreement



PLANNING SERVICES – BUILDING CONTROL

SCHEME FOR THE RECOVERY OF BUILDING REGULATION CHARGES
AND ASSOCIATED MATTERS

April 2011



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INTRODUCTION

The building control industry and government have worked together for some time to create a new vision for building control.

It is critical that the building control system is fit for purpose now and in the future because it is central to the Government's ability to deliver more and better homes and buildings. To address the challenge of climate change and sustainability the Building Control Service needs to think creatively about how to target their resources to further raise compliance, tackle illegal construction and to strengthen their performance management systems to demonstrate the positive and added value they bring to building projects. Its success will be measured by even better compliance achieved on site.

Following consideration of the responses to the charges consultation and further discussions with key stakeholders, the Building (Local Authority Charges) Regulations 2010 (si 2010/404) were laid before Parliament on 25 February 2010 and came into force on 1 April 2010.

The regulations set out the overarching principles of the local authority building control charging system under the Charges Regulation 2010 based on full cost recovery and users only pay for the service they receive. This will facilitate the implementation of service level agreements based on risk assessment (as set out in the Future of Building Control Implementation Plan) and help to demonstrate the value that building control adds.

This scheme may be amended, revoked, or replaced by the Authority at any time. You are therefore advised to satisfy yourself that this document is current.

PURPOSE OF THE BUILDING REGULATIONS

Building Regulation standards have evolved to secure the health and safety of those persons in and around buildings, to assist with energy conservation and to provide access and facilities for disabled persons.

You are advised that:

- The combined Full Plans plan charge and inspection charge plus 20% will be equal to the Building Notice Charge.
- The combined Full Plans plan charge and inspection charge plus 40% will be equal to the Regularisation Charge.
- All charges (except the Regularisation Charge) payable to the Authority shall be subject to value added tax at the standard rate.

INTERPRETATION

The following definitions apply to this Charging Scheme and should be read in conjunction with the other clauses and tables which constitute the Charging Scheme:

‘the authority’ means **Plymouth City Council**

‘building’ means any permanent or temporary building but not any other kind of structure or erection, and a reference to a building includes a reference to part of a building.

‘building notice’ means a notice given in accordance with regulations 12(2) (a) and 13 of the Building Regulations 2000 (as amended).

‘building work’ means:

- (a) the erection or extension of a building;
- (b) the provision or extension of a controlled service or fitting in or in connection with a building;
- (c) the material alteration of a building, or a controlled service or fitting;
- (d) work required by building regulation 6 (requirements relating to material change of use);
- (e) the insertion of insulating material into the cavity wall of a building;
- (f) work involving the underpinning of a building;
- (g) work required by building regulation 22 (requirements relating to a change of energy status);
- (h) work required by building regulation 23 (requirements relating to thermal elements);
- (i) work required by building regulation 28 (consequential improvements to energy performance);

‘chargeable function’ means a function relating to the following –

- (a) the passing or rejection of plans of proposed building work which has been deposited with the council in accordance with section 16 of the Building Act 1984 (as amended).
- (b) the inspection of building work for which plans have been deposited with the council in accordance with the Building Regulation 2010 and with section 16 of the Building Act 1984 (as amended)
- (c) the consideration of a building notice which has been given to the council in accordance with the Building Regulations 2010
- (d) the consideration of building work reverting to the council under the Building (Approved Inspectors etc.) Regulations 2010
- (e) the consideration of a regularisation application submitted to the council under regulation 18 of the Building Regulations 2010

‘cost’ does not include any professional fees paid to an architect, quantity surveyor or any other person.

'dwelling' includes a dwelling-house and a flat.

'dwelling-house' does not include a flat or a building containing a flat.

'flat' means a separate and self-contained premises constructed or adapted for use for residential purposes and forming part of a building from some other part of which it is divided horizontally.

'floor area of a building or extension' is the total floor area of all the storeys which comprise that building. It is calculated by reference to the finished internal faces of the walls enclosing the area, or, if at any point there is no enclosing wall, by reference to the outermost edge of the floor.

'relevant person' means:

(a) in relation to a plan charge, inspection charge, reversion charge or building notice charge, the person who carries out the building work or on whose behalf the building work is carried out;

(b) in relation to a regularisation charge, the owner of the building; and

(c) in relation to chargeable advice, any person requesting advice for which a charge may be made pursuant to the definition of 'chargeable advice'

PRINCIPLES OF THIS SCHEME

The set charges or method of establishing the charge have been established in this scheme for the functions prescribed in the Building (Local Authority Charges) Regulations 2010 (referred to as the chargeable functions), namely:

Where the total charge is divided between a plan charge and inspection charge, the split is normally 25% / 75%.

A plan charge (Domestic Works), payable when plans of the building work are deposited with the authority.

Note: The inspection charge should be paid with the plan charge in the following circumstances;

- Garages and carports
- Installation of micro generation and renovation of thermal elements
- Replacement windows
- All other domestic works up to an estimated value of controllable works of £30,000

A plan charge (Non Domestic) payable when plans of the building work are deposited with the authority.

Note: The inspection charge should be paid with the plan charge in the following circumstances;

- New build and extensions relating to industrial and storage usage up to 75m²
- Replacement windows and doors
- Installation of micro generation and renovation of thermal elements
- All other works up to an estimated value of controllable works of £10,000

An inspection charge, where charges are related to the above categories for domestic and non domestic work the inspection charge should be paid with the plan charge as described above when plans are deposited.

Inspection charges will be payable on all other projects on demand after the authority has carried out the first inspection in respect of which the charge is payable.

A building notice charge, payable when the building notice is given to the authority.

A reversion charge, payable when work starts under the supervision of a private sector building control body but reverts to Local Authority control.

A regularisation charge, payable at the time of the application to the authority in accordance with regulation 18 of the Building Regulations 2010.

Chargeable advice, the authority can make a charge for giving advice in anticipation of the future exercise of their chargeable functions (i.e. before an application or notice is received for a particular case). Any charge is payable after the first hour of advice, on demand, after the authority has given notice required by Regulation 7(7) of the Building (Local Authority) Charges Regulations 2010 (i.e. the charge has been confirmed in writing following an individual determination).

A charge for a second hour and a site inspection of up to one hour is included in the standard charge. This charge can be discounted from a subsequent application or notice received for the work in question.

BUILDING CONTROL CHARGES

Any charge which is payable to the authority may, in a particular case, and with the agreement of the authority, be paid by instalments of such amounts payable on such dates as may be specified by the authority. If the applicant and the authority are agreeable, an inspection charge can be fully or partly paid up front with the plans charge.

The charge for providing a chargeable function or chargeable advice is based on the principle of achieving full cost recovery. The charges will be calculated by using the Council officers' average hourly rate stated in the charging scheme, multiplied by the time taken to carry out the

functions/advice. The following factors will be taken into account in estimating the time required by officers to carry out the function/advice:

1. The existing use of a building, or the proposed use of the building after completion of the building work;
2. The different kinds of building work described in regulation 3(1)(a) to (i) of the Building Regulations 2010;
3. The floor area of the building or extension;
4. The nature of the design of the building work and whether innovative or high risk construction techniques are to be used;
5. The estimated duration of the building work and the anticipated number of inspections to be carried out;
6. The estimated cost of the building work;
7. Whether a person who intends to carry out part of the building work is a person mentioned in regulation 12(6) or 20 of the Building Regulations 2010 (i.e. related to competent person/self certification schemes);
8. Whether in respect of the building work, a notification will be made in accordance with regulation 41 of the Building Regulations 2010 (i.e. where design details approved by Robust Details Ltd have been used);
9. Whether an application or building notice is in respect of two or more buildings or building works all of which are substantially the same as each other;
10. Whether an application or building notice is in respect of building work, which is substantially the same as building work in respect of which plans have previously been deposited or building works inspected by the same local authority;
11. Whether chargeable advice has been given which is likely to result in less time being taken by a local authority to perform that function;
12. Whether it is necessary to engage and incur the costs of a consultant to provide specialist advice in relation to a particular aspect of the building work.

New domestic buildings which include garages and/or carports, where the charge relates to an erection of a dwelling the charge includes for the provision of a detached or attached domestic garage or carport providing it is constructed at the same time as the dwelling.

Multiple extensions / work to domestic buildings, where any building work comprises or includes the erection of more than one extension to a building, the total floor areas of all such extensions shall be aggregated to determine the relevant charge payable, providing that the building work described is carried out at the same time. On request, the charge for this type of work may be individually assessed.

Resubmissions, where plans have been either accepted or rejected, no further fee is payable on resubmission for substantially the same work.

Part L compliance check, where this service is required, an hourly rate and lodgement fee will be charged.

Exemption from charges

1. Work in relation to disabled persons - the authority has not fixed by means of its scheme, nor intends to recover a charge in relation to an existing dwelling that is, or is to be, occupied by a disabled person as a permanent residence; and where the whole of the building work in question is solely-

1. For the purpose of providing means of access for the disabled person by way of entrance or exit to or from the dwelling or any part of it, or

2. For the purpose of providing accommodation or facilities designed to secure the greater health, safety, welfare or convenience of the disabled person.

The authority has not fixed by means of its scheme, nor intends to recover a charge for the purpose of providing accommodation or facilities designed to secure the greater health, safety, welfare or convenience of a disabled person in relation to an existing dwelling, which is, or is to be, occupied by that disabled person as a permanent residence where such work consists of-

1. The adaptation or extension of existing accommodation or an existing facility or the provision of alternative accommodation or an alternative facility where the existing accommodation or facility could not be used by the disabled person or could be used by the disabled person only with assistance; or

2. The provision or extension of a room which is or will be used solely-

- (i) for the carrying out for the benefit of the disabled person of medical treatment which cannot reasonably be carried out in any other room in the dwelling, or
- (ii) for the storage of medical equipment for the use of the disabled person, or
- (iii) to provide sleeping accommodation for a carer where the disabled person requires 24-hour care.

The authority has not fixed by means of its scheme, nor intends to recover a charge in relation to an existing building to which members of the public are admitted (whether on payment or otherwise); and where the whole of the building work in question is solely-

1. For the purpose of providing means of access for disabled persons by way of entrance or exit to or from the building or any part of it; or

2. For the provision of facilities designed to secure the greater health, safety, welfare for disabled persons.

Note: 'disabled person' means a person who is within any of the descriptions of persons to whom Section 29(1) of the National Assistance Act 1948, as extended by virtue of Section 8(2) of the

Mental Health Act 1959, applied but disregarding the amendments made by paragraph 11 of Schedule 13 to the Children Act 1989. The words in section 8(2) of the Mental Health Act 1959 which extend the meaning of disabled person in section 29(1) of the National Assistance Act 1948, are prospectively repealed by the National Health Service and Community Care Act 1990, section 66(2), Schedule 10, as from a day to be appointed.

2. Competent Persons Schemes – notifications of work from persons registered with a relevant Government approved competent person scheme will be exempt from charges

Information required to determine charges, if the authority requires additional information to enable it to determine the correct charge the authority can request the information under the provisions of regulation 9 of The Building (Local Authority Charges) Regulation 2010.

The standard information required for all applications is detailed on the authority's Building Regulation application forms. This includes the existing and proposed use of the building and a description of the building work.

Additional information may be required in relation to –

- The floor area of the building or extension
- The estimated duration of the building work and the anticipated number of inspections to be carried out
- The use of competent persons or Robust Details Ltd
- Any accreditations held by the builder or other member of the design team
- The nature of the design of the building work and whether innovative or high-risk construction is to be used
- The estimated cost of the building work. If this is used as one of the factors in establishing a charge the 'estimate' is required to be such reasonable amount as would be charged by a person in business to carry out such building work (excluding the amount of any value added tax chargeable).

Establishing the Charge Based on Cost Recovery, the authority has established standard charges using the principles contained within The Building (Local Authority Charges) Regulation 2010. Standard charges are detailed in the following tables. In the tables below any reference to number of storeys includes each basement level as one-storey and floor areas are cumulative.

If the building work you are undertaking is not listed as a standard charge it will be individually determined in accordance with the principles and relevant factors contained within the Building (Local Authority Charges) Regulation 2010.

If the authority considers it necessary to engage and incur the costs of a consultant to provide specialist advice or services in relation to a particular aspect of building work, those costs shall also be included in setting the charge.

When the charge is individually determined the authority shall calculate the charge in the same way a standard charge was set by using the average hourly rate of officers' time, multiplied by the estimated time taken to carry out their building regulation

functions in relation to that particular piece of building work and taking into account the applicable factors listed in regulation 7(5) of the Building (Local Authority Charges) Regulation 2010.

Individually determined charges will be confirmed in writing specifying the amount of the charge and the factors that have been taken into account in determining the charge.

Individually determined charges, the building regulation charges for the following types of building work will be individually determined and the authority will state which factors in regulation 7(5) of the charges regulations it has taken into account in establishing a standard or individually determined charge;

- (i) A reversion charge (this should always be included as an individually determined charge).
- (ii) Building work in relation to more than one building
- (iii) Building work consisting of alterations to any use of building where the estimated cost exceeds £100,000
- (iv) The work consists of the erection or conversion of a building to 5 or more dwellings
- (v) More than one standard charge applies to the building work and, with the agreement of the relevant person, the authority may establish the charge by individually determining the charge.
- (vi) Domestic single storey extensions over 100m²
- (vii) Domestic multi storey extensions and loft conversions over 150m²
- (viii) Non domestic single storey extensions or new build industrial storage use over 75m²
- (ix) Non domestic multi storey extensions or new build over 200m²
- (x) Non domestic replacement windows and doors in excess of 15 units
- (xi) Office or shop fit out
- (xii) Provision of a mezzanine floor in an existing non domestic building

Other matters relating to calculation of charges

- In calculating these charges, refunds or supplementary charges, an officer hourly rate of £42 has been used.
- The authority may accept payment by instalments in respect of all building work. Where the authority agrees to payment by instalments, the authority on request, will specify the amounts payable and dates on which instalments are to be paid
- All charges are based on the assumption that all electrical works will be carried out by a suitably qualified, self certifying electrician

Reductions, where in accordance with Regulation 7(5)(i) of the charges regulations, one application or building notice is in respect of two or more buildings or building works all of which are substantially the same as each other, up to 25% reduction in the standard plan and inspection charge can be made on request.

Where in accordance with Regulation 7(5) (j) of the charges regulations an application or building notice is in respect of building work which is substantially the same as building work in respect of which plans have previously been deposited or building works inspected by the same local authority, up to 25% reduction in the plan and inspection charges can be made on request.

The authority shall make a reduction in an individually determined charge when chargeable advice has been given before receipt of an application or notice for proposed building work, which is likely to result in less time being taken by the local authority to perform the chargeable function for that work.

The authority may make a reduction in its charges when work or the relevant part of the work, has been, or intends to be carried out by a person mentioned in regulation 20 of the Building Regulations 2010.

The authority may make other reductions in standard charges, based on the standard hourly rate, by way of refunds where the time taken by the local authority to perform the chargeable function for that work is substantially reduced.

Refunds and supplementary charges, the authority will, on request, refund any Inspection Charge element that has been paid in advance of the work commencing, where that work will not proceed on the basis of the application for which it was paid.

If the basis on which any charge has been set or determined changes, the authority will, on request, refund or itself request, a supplementary charge and provide a written statement setting out the basis of the refund/supplementary charge and also state how this has been calculated. In the calculation of refunds/supplementary charges no account shall be taken of the first hour of an officer's time.

Withdrawing applications – a non returnable minimum charge of £50 will be made to recover administrative costs where an application is withdrawn before the plans are checked. An application may not be withdrawn once plans have been checked.

Non-Payment of a Charge, your attention is drawn to Regulation 8(2) of the Building (Local Authority Charges) Regulations 2010, which explains that, plans are not treated as being deposited for the purposes of Section 16 of the Building Act or building notices given, unless the Council has received the agreed charge. In other words, relevant timescales do not start until the agreed payment has been made. The debt recovery team of the authority will also pursue any non-payment of a charge.

Complaints about Charges, if you have a complaint about the level of charges you should initially raise your concern with the charges team. The council has a comprehensive complaint handling process. If your complaint is not satisfactorily responded to by the officer concerned, details of how to resolve your complaint is available on request and can be viewed on the council's web site.

STANDARD CHARGES

Standard charges include works of drainage in connection with the erection or extension of a building or buildings, even where those works are commenced in advance of the plans for the building(s) being deposited.

Standard charges have been set by the authority on the basis that;

- The building work does not consist of, or include, innovative or high risk construction techniques, and
- The design and building work is undertaken by a person or company competent to do so. Should extra site inspections be found necessary, additional charges may be incurred.
- Any notifiable electrical work will be carried out by a person registered with one of the approved competent person schemes. If this is not the case, supplementary charges may be incurred based on the number of inspections required.

If chargeable advice has been given in respect of any of the work detailed in these tables and this is likely to result in less time being taken by the authority then a reduction to the standard charge may be made.

All types of building work can be considered, on request, as an individually assessed charge.

Plan and Inspection Charges, these are listed in the following tables.

Building Notice Charge, Where the building work is of a relatively minor nature the Building Notice charge is the same as the total plan and inspection charge. In relation to more complex work, the time to carry out the Building Regulation function is higher and the resultant additional cost of using the Building Notice procedure results in the higher charge as detailed in the following tables.

By agreement, in writing, the Building Notice charge can be split into application and site inspection elements.

Reversion Charge, these charges will be individually determined.