

Report to: Cabinet



Date of Meeting 27 March 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Building Safety Regulator Recharges for Building Control Consultancy Services

Report summary:

In accordance with the provisions of the Building Safety Act 2022 the Council is obliged to confirm our hourly charging rate for Building Control consultancy services to the new HSE Building Safety Regulator (BSR) in relation to High-Risk Buildings. This has been calculated to be £97.41 per hour + VAT.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

1. That the hourly rate used to calculate external recharges for consultancy services to the Building Safety Regulator is set at £97.41 per hour + VAT

Reason for recommendation:

1. To ensure that BC service can adequately recover incurred costs associated with providing this consultancy service to the BSR.
2. The proposed revisions are in line with the methodology set out in Appendix A of the attached DLUHC circular letter.
3. Charges rates are to be reviewed annually and adjusted as appropriate to ensure cost recovery.

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Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Communications and Democracy
- Economy
- Finance and Assets
- Strategic Planning
- Sustainable Homes and Communities
- Culture, Leisure, Sport and Tourism

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk; Principal risk considerations are the inability to fully recover rising costs if calculation is incorrect and rate is too low. Note: Charging rates are not commercially sensitive due to building control service provider being selected by the BSR rather than clients for this work. Rates for this work are required to be publicly notified.

Links to background information The Building Safety Regulator Charging Scheme is available to view here: [Building Safety Regulator charging scheme - 1 October 2023 \(hse.gov.uk\)](https://www.hse.gov.uk/building-safety/regulator-charging-scheme/)

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
 - A greener East Devon
 - A resilient economy
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Background

The Building Safety Act 2022 was introduced in response to the Grenfell Tower disaster and the Hackett Report recommendations which followed.

Under the new Building Safety Act 2022 Building Regulation applications for High-Risk Buildings (e.g those over 18m high or 7 or more storeys containing flats, care homes or hospitals) must now be made directly to the Building Safety Regulator.

The Building Safety Regulator (BSR) does not have Building Control (BC) professionals in house so will convene a multi-disciplinary team (MDT) in each case including the relevant local authority BC service, fire service and other relevant statutory services and specialist advisors.

The BSR is obliged to confirm charging rates up front to applicants so requires confirmation of the BC service recharge rates from each local authority.

Need For Change

This is a new consultancy service which has been brought about by the new BSR Building Control regime which came into effect on the 1st October 2023.

Future Service Investment Needs

a. Skills and Staff Resources

There is an expectation that councils will support the BSR when called upon unless there are sufficient grounds such as limited resources or lack of competent skilled staff to undertake the work.

Given the nature of the work within East Devon it is unlikely that the BC service will receive many cases for local work. However, it is possible that should other neighbouring authorities who are also struggling with staff recruitment and retention issues that we may be asked to assist in other areas where local support is not available.

Note that from 6th April 2024, Building Control becomes a regulated profession and all surveyors must go through an authorised competency level assessment and register with the BSR to become a Registered Building Inspector (RBI). From this date it will become a criminal offence to carry out restricted BC duties unless a RBI or under the supervision of an RBI. Surveyors will only be able to work on high rise building's if they have the necessary skills and are registered at the appropriate Class 3 or Class 4 competency grade.

Nationally the Building Control profession (and public sector BC in particular) is currently in a state of flux with many choosing to leave the profession or accelerate retirement plans partly due to the new BSR registration requirements and due to the below market salary and rewards. A third of the work force nationally has already been lost over the last decade and the trend is set to continue with recent member survey reports by LABC and CABA indicating that a third of the remaining workforce is close to retirement age. Those that remain are under pressure to move to the private sector either staying within private practice BC where pay is up to 50% higher or more for experienced staff or indeed moving into other related surveying professions which do not require registering with the BSR. We are working on a recruitment and retention strategy to try and address these issues so that we can hopefully hold on to the excellent team that we have and train up future surveyors through the apprenticeship programme.

East Devon DC BC service currently is fortunate to have retained 7 highly experienced and qualified staff who will all be required to go through the competency assessment and BSR registration process. Only when this process is complete will we know whether we will be legally able to provide services to the BSR after the 6th April deadline. Certainly, advanced knowledge and skills will be required for work on HRB's so some additional training to support this work may be beneficial.

The hourly rate calculation attached is based upon the costs associated with providing the Principal Building Control Surveyor. The rates will be fixed until at least end of the financial year 2024-25.

Financial implications:

The financial implications are detailed within the report.

Legal implications:

The legal issues are covered in the report.