

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF ENVIRONMENT, CULTURE AND SPORT

TO:	Strategic, Environment, Planning and Transport Committee		
DATE:	9 July 2013	AGENDA ITEM:	12
TITLE:	THE BUILDING (LOCAL AUTHORITY CHARGES) REGULATIONS 2010 - AMENDING THE SCHEME OF DELEGATION		
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SERVICE:	Building Control	WARDS:	All
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1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 To inform members of a proposed change to the scheme of delegation in the method of setting charges for the statutory building regulation function. The Building (Local Authority Charges) Regulations 2010 (Hereafter referred to as the 2010 Regulations) allow local authorities to fix their own charges in a scheme, based on full recovery of their costs.
- 1.2 These charges allow for flexibility in setting charges in an environment where the Council is in direct competition with private sector building control providers.
- 1.3 In recognition of the need to regularly review and adjust charges to ensure break-even position, delegated authority is requested to allow the Head of Planning and Building Control with the Head of Finance in consultation with the Lead member to make any necessary adjustments to the charging scheme from time to time.

2. RECOMMENDED ACTION

- 2.1 That the scheme of delegation register be changed so that the Head of Planning and Building Control be authorised, in consultation with the Head of Finance and the Lead Member, to review and adjust the level of charges set under the charging scheme and to publicise any amendments to the scheme, as required by the Regulations.

3. POLICY CONTEXT

- 3.1 The 2010 Regulations requires local authorities to set a scheme of charging for building regulations chargeable work. The regulations require charges to be calculated on a full cost recovery basis to achieve an objective of breaking even 'as nearly as possible', based on the principle of taking 1 year after another.
- 3.2 Local authorities are free to devise whatever scheme of charges they see fit, taking into account a variety of prescribed factors which are listed in the proposed scheme for the recovery of building regulation charges and associated matters.
- 3.3 The aim of 2010 Regulations is to allow flexibility, accuracy, transparency and fairness in the way that building control charge for the building control service, as well as enabling building control to operate more effectively in a competitive environment. In the past some charges have not realistically or accurately represented the work that building control carry out.

4. THE PROPOSAL

4.1 Current Position:

- 4.2 The current delegation register makes reference to the Building (Local Authority Charges) Regulations 1998, which allows the standard scale of charges to be varied by plus and/or minus 10%. This is no longer relevant, as the 2010 Regulations has modified and departed from the 1998 Regulations allowing more flexibility in setting and adjusting the scheme of charges.

4.2 Option Proposed

- 4.3 To amend the delegated authority to allow the Head of Planning and Building Control with the Head of Finance in consultation with the Lead member to make any necessary adjustments to the charging scheme from time to time.

5. CONTRIBUTION TO STRATEGIC AIMS

- 5.1 The proposals in this report will continue to promote equality, social inclusion and a safe and healthy environment for all.

6. COMMUNITY ENGAGEMENT AND INFORMATION

- 6.1 Any new or amended charges are required by the regulations to be publicised 7 days before they come into effect. They will be publicised on the Council's website and an email sent to our regular uses of our service.

7. EQUALITY IMPACT ASSESSMENT

- 7.1 Under the Equality Act 2010, Section 149, a public authority must consider whether the decision will or could have a differential impact on: racial groups; gender; people with disabilities; people of a particular sexual orientation; people due to their age; people due to their religious belief.
- 7.2 Equality Impact Assessment (EIA) is not relevant to the decision.

8. LEGAL IMPLICATIONS

8.1 There are no legal implications.

9. FINANCIAL IMPLICATIONS

9.1 The proposal in this report will continue to deliver full cost recovery for carrying out this service.

9.3 Income generated will continue to be monitored to ensure that it is on course to achieve the objective of break even. Regular monthly monitoring will be carried out by the Building Control and Fire Safety Manager working with the Finance team. If it is found that the break-even objective is not being met it may be necessary to revise the schedules, accordingly.

9.5 Building Control continues to maintain steady market share of around 75% of all building projects within the Borough, and continues to perform well when compared with neighbouring authorities.

9.6 The market share may fluctuate but will be carefully monitored and the charges will be reviewed on a regular basis.

10. BACKGROUND PAPERS

10.1 Scheme for the recovery of the building regulation charges and associated matters - version 2. (July 2013).

10.2 Guidance notes on the Building Regulations charges 2013 v2. (July 2013).

10.3 Statutory Instrument 2010 No. 404 - The Building (Local Authority Charges) Regulations 2010.