

ANGUS COUNCIL

INFRASTRUCTURE SERVICES COMMITTEE

2 JUNE 2009

**SUBJECT: PEER REVIEW
VERIFICATION OF WORK ON BUILDINGS IN WHICH THE COUNCIL HAS AN
“INTEREST”**

REPORT BY DIRECTOR OF INFRASTRUCTURE SERVICES

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| <p>Abstract: This report updates the Committee on the successful outcome of the recently carried out peer review of building warrant applications in which Angus Council has an interest by members of the Tayside Building Standards Consortium.</p> |
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1 RECOMMENDATION

It is recommended that the Committee –

1. note the successful outcome of the peer review for year 2008-2009;
2. note the complimentary comments from the Building Standards Division on how the peer review was carried out;
3. agree that Building Standards staff should participate in benchmarking with staff from Dundee City and Perth & Kinross Councils to agree common practices and procedures in areas of work identified in the peer review.

2 INTRODUCTION

2.1 A new Building Standards system under the Building (Scotland) Act 2003 came into force on 1 May 2005. At that time Scottish Ministers issued a Direction appointing Local Authorities as sole verifiers for the area for which they are geographically responsible. This direction expires on 30 April 2011. An additional Direction was issued which permitted a Local Authority to be the verifier in respect of Building Warrants where the Local Authority had an “interest” in the building. This additional Direction was required because Schedule 2, para 9 of the Building (Scotland) Act 2003 prevents a verifier exercising any function under the Act on a building in which it has an “interest”. This Direction expired on 30 April 2008.

2.2 On 28 March 2007 the Building Standards Division of the Scottish Government wrote to all Local Authorities reminding them that the Direction expired on 30 April 2008 and that it was the intention of Scottish Ministers not to extend it. This would have resulted in building work being carried out on a building in which a Local Authority had an “interest” having to be verified by another Local Authority. This arrangement would have allowed the verification role to remain within Local Authorities, which was the wish of the Minister, and would have met Scottish Ministers aims of third party verification of work on buildings in which a Local Authority had an “interest”.

- 2.3 The result of this proposal would have meant a Local Authority having to apply to another Local Authority for Building Warrant approval for work on buildings in which they have an “interest”.
- 2.4 This proposal, if implemented, would have meant additional bureaucracy for all parties involved in the Building Warrant process, particularly with regards to the site inspection process. Given the wide definition of “interest” the number of Building Warrant applications involved could have been significant and hence a significant addition to workload.
- 2.5 Despite wide concern and representations to the Minister by a number of bodies such as, CoSLA, Local Authorities and professional bodies, the Minister re-confirmed his decision that the Direction would not be extended. His wish was to ensure that there would always be third party checking of all Building Warrants.
- 2.6 Following a meeting between the Minister and representatives of the Scottish Association of Building Standards Managers, the Minister, aware of the potential for a large increase in bureaucracy, accepted that it would be advisable to find a simpler means of achieving third party checking of work on a building in which a Local Authority had an “interest”.
- 2.7 Following this meeting representatives of both the Building Standards Division and the Scottish Association of Building Standards Managers met to agree an arrangement whereby Local Authorities undertake peer group reviews of the process for dealing with buildings in which they have an “interest”.
- 2.8 Peer group review would be arranged in consortia of Local Authorities, of Local Authorities own choosing and would provide an opportunity to develop common processes.
- 2.9 The Committee agreed, at its meeting on 22 January 2008, report 38/08 refers, to participate in a consortia consisting of at least Dundee City Council and Perth & Kinross Council. This consortia then entered into an agreement with the Building Standards Division to carry out a peer review of the work each Council has an “interest” in.

3 PEER REVIEW

- 3.1 Peer reviews of the three authorities in the Tayside Building Standards Consortium were carried out on:-

| Date | Council | Reviewers |
|-------------|-------------------------|---|
| 17 February | Angus | Two staff from Dundee City Council and two from Perth & Kinross Council |
| 18 February | Dundee City Council | Two staff from Angus Council and two from Perth & Kinross Council |
| 19 February | Perth & Kinross Council | Two staff from Angus Council and two from Dundee City Council |

- 3.2 In accordance with the consortium agreement, the reviewers in each case had full access to the file records for 10 local authority projects along with the verifiers internal procedures / protocols and computerised records. Examples of projects reviewed included:-
- Alterations and Refurbishment of Theatre;
 - Alterations to Existing Offices;
 - Alterations and Extension to School;
 - Erection of Ranger Base.
- 3.3 A final meeting of the consortium was held on 4 March 2009 to which the Building Standards Division was invited.
- 3.4 The consortium members agreed that having inspected the appropriate files, protocols / procedures and computerised records in all three authorities that all matters in relation to projects in which the Council had an "interest" were in order.
- 3.5 Consortium members did however agree that there were areas of work in which some formal benchmarking would be of benefit. It has been agreed that these items will be referred to our benchmarking group and will be dealt with in the next year. These items are:-
- The process whereby Local Authorities are recharged for fees could benefit from a system showing commonality.
 - As Certification of Design is a relatively new process, a common protocol will be the subject of discussion / agreement at a future benchmarking meeting.
 - Processes and protocols relating to alternative approaches will be discussed and agreed.
- 3.6 A final report, dated 13 March 2009, was sent to the Building Standards Division outlining the consortium's findings and actions requiring further discussion.
- 3.7 Having considered our final report for year 2008-2009, the Building Standards Division wrote to consortium members:-
- noting that the Tayside Building Standards consortium were the first to provide evidence that the processes and protocols in dealing with projects in which Local Authorities have an "interest" are as those adopted for private sector projects;
 - noting that the consortium members had identified issues which can be taken forward and discussed further at benchmarking meetings;
 - thanking and congratulating them for having a very positive and proactive approach in the implementation of the review process;
 - noting as long as they continue to receive reports of this quality, they will be able to keep Ministers informed of progress.

4 FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications arising directly as a result of this report. The fact that the peer review report for year 2008-2009 was approved by the Building Standards Division protects the potential fee income for Building Standards being permitted to carry out the verification role for projects in which Angus Council has an interest.
- 4.2 The peer review process was carried out by existing Building Standards staff, therefore the associated cost related to staff time only, albeit there was significant input from those staff involved. No additional fees were received and the cost was contained within existing budgets.

5 HUMAN RIGHTS IMPLICATIONS

- 5.1 There are no human rights implications arising from this report.

6 EQUALITIES IMPLICATIONS

- 6.1 The issues dealt with in this report have been the subject of consideration from an equalities perspective (as required by legislation). An [equalities impact assessment](#) is not required.

7 SINGLE OUTCOME AGREEMENT

- 7.1 This report contributes to the following local outcome contained within the Single Outcome Agreement for Angus.

15. Our public services are high quality, continually improving, efficient and responsive to local people's needs

- Population changes are identified and planned for.
- Resources are used effectively.
- Services are targeted at those in greatest need.
- There is greater community involvement in the planning and delivery of services.

8 CONSULTATION

- 8.1 The Chief Executive, Director of Corporate Services, Head of Finance and Head of Law & Administration have been consulted during the preparation of this report.

ERIC S LOWSON
DIRECTOR OF INFRASTRUCTURE SERVICES

NOTE

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

P&T/LM/IAL
28 April 2009