

TRAFFORD COUNCIL

Report to: Employment Committee
Date: 5 September 2022
Report for: Information and approval
Report of: Director of Growth & Regulatory Services

Report Title

Building Control – Market rate proposal

Summary

Building Control is unusual amongst Council services in that it is a blend of statutory functions and traded services. The Council has a statutory duty to provide a building control service – but the fee-paying elements are open to competition from the private sector. This creates an uneven playing field whereby the private sector can cherry pick profitable work without the burden of statutory functions.

Over several years this unbalanced competition has led to an exodus of qualified staff to better paid jobs in the private sector – leaving Council teams short staffed.

In addition to this unfavourable position, The Building Safety Act (in the wake of the Grenfell Tower tragedy) brings in a new system of regulation for building control, with additional responsibilities (& opportunities) for Local authorities.

In the light of these challenges urgent action is needed to retain and attract Building Control staff. This report sets out measures to accomplish this.

Recommendation(s)

That the Market Supplements at paragraph 4.1 and rationale for payment be approved.

Contact person for access to background papers and further information:

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Appendices

No Appendices

Background Papers: None

Implications:

Relationship to Policy Framework/Corporate Priorities	<i>Building control has a significant role in reducing carbon emissions and improving thermal efficiency, reducing fuel costs for households.</i>
Relationship to GM Policy or Strategy Framework	<i>If the growth ambitions of GM are to be realised, effective Building Control for tall buildings and other buildings at risk needs to be in place.</i>
Financial	<i>These are set out in section 3 of the report</i>
Legal Implications:	<i>None</i>
Equality/Diversity Implications	<i>None</i>
Sustainability Implications	<i>None</i>
Carbon Reduction	<i>Building Control supports the reduction of carbon emissions in domestic and commercial buildings.</i>
Resource Implications e.g. Staffing / ICT / Assets	<i>This is the subject of the report.</i>
Risk Management Implications	<i>The new Building Safety Regulator can place Councils in 'special measures' if they do not have an effective Building Control Service.</i>
Health & Wellbeing Implications	<i>Building Control plays a role in keeping everyone safe and healthy within homes and commercial buildings</i>
Health and Safety Implications	<i>Effective Building control is vital for Building safety</i>

1.0 Background – Building Control Responsibilities

- 1.1 The process of Building control ensures that all types of building are constructed and completed to appropriate standards which are set nationally. These standards ensure that buildings are structurally sound and are sufficiently robust to be occupied for their intended purpose. The Building Control system is closely aligned with the fire service and helps ensure that all buildings have the requisite fire safety standards. Effective building control also plays a leading role in ensuring that buildings are thermally efficient - thus playing a part in both mitigating Climate Change and tackling fuel poverty.
- 1.2 Building control is unusual within the Council in that it blends statutory responsibilities with a traded service. Unlike planning applications, Building control applications can be processed by private companies – and so the Council carries out its core functions within a competitive environment. This provides the challenge of competition – but also the opportunity to win work and increase income. This fee paying activity cross subsidises non-paid statutory responsibilities that the private sector cannot carry out and which the Council must deal with.
- 1.3 Over the past decade Private companies have become adept at ‘cherry picking’ work – and have recruited large numbers of staff from Councils. This in turn has made recruitment difficult for Local Authorities – who have been generally poor at responding to market conditions – and who have failed to train sufficient new younger staff. The Council has consequently suffered from vacancies and staff turnover in recent times

2.0 Building Safety Act

- 2.1 Alongside ongoing competition and pressure within the service, there is now significant new legislation in the form of the Building Safety Act which imposes new obligations and responsibilities on to Building control bodies – and building control professionals. The Act establishes a new Building Safety Regulator who has oversight of taller buildings – but also the profession as a whole. (see further below)
- 2.2 In addition to previous duties, there will now be an obligation to provide support for the Building Safety Regulator on High Rise Buildings and other structures within its jurisdiction.

An overview of this new system can be found here:

<https://www.gov.uk/government/publications/building-safety-bill-factsheets/building-control-registration-and-regulatory-oversight-factsheet>

The Health & Safety Executive acts as the Building Safety Regulator in England – see below for details:

<https://www.hse.gov.uk/building-safety/building-control.htm>

- 2.3 Special attention is paid to multi-occupancy higher risk residential buildings (HRRBs) – and Councils are designated according to whether they include such buildings. Given our building mix, Trafford is designated as a HRRB authority.
- 2.4 New performance standards will be applied to Building Control departments - in a way that has never been applied previously. We await all new performance standards to be published that building control services have to satisfy otherwise sanctions will be implemented on an authority. The deadlines for all parts of the service will be in those standards with all existing time standards removed. The new performance standards will cover all aspects of a BC service within the new regime and be monitored by the Building Safety Regulator
- 2.5 As part of this regime in order for Building Control Officers to practice they will now need to undergo a fresh process of registration – registration is at 3 levels, broadly as follows:
- Level 6: Most Complex buildings, including High Rise
 - Level 5: Commercial & industrial Buildings
 - Level 4: Domestic
- 2.6 All Building Control officers will now have to start the process of registration at one of these levels. Registration is by assessment – the first of which is free – but if you fail to qualify at the first attempt, there is a charge. This is the equivalent of asking everyone to re-take qualifications gained earlier in their career. Many older officers are choosing to retire rather than go through the registration process – leading to a premium on qualified staff. The deadline for Registration is October 2024 – more details can be found here:

<https://www.hse.gov.uk/building-safety/prepare.htm>

3.0 Regrading

- 3.1 As a consequence of these changes some older professionals are choosing to retire rather than re-train – placing qualified staff further at a premium. This will further exacerbate market pressures within the industry – and Councils in particular.
- 3.2 Within GM Trafford salaries are starting to lag behind other authorities – but all are suffering vacancies. There are vacancies for the Building Control Manager post in five of the ten GM authorities – partly because salaries are perceived as not sufficiently competitive.
- 3.4 Against this context, if Trafford is to retain staff – and meet the obligations of the Building Safety Act we need to do more to retain staff. If we succeed in that, there will be the opportunity to gain additional higher skilled work – as the Building safety Regulator will come to Councils first for their high rise work. This could be a steady and reliable income stream in future.
- 3.5 A package of measures is required to improve retention – including better information on car, pension & related benefits – plus recognition for those who successfully register under the new system.
- 3.6 However in the short term there is a need to boost headline pay – and so it is proposed to review salaries in the light of the challenges and changes within the industry. The BC team made sufficient income last year to cover local and centralised costs – and so any enhancements to pay requires only a modest uplift in income to be self-funding. Conversely, if the Council has no staff, we cannot earn fees – and so cannot cover statutory costs.

4.0 Market supplements

- 4.1 Current Grade 8 staff are subject to a £3,000 market supplement which has been in place for some time. The pressure on Building Control and staff shortages are acute at all levels, but most especially amongst staff at Building Control Officer level. If these measures are to be effective in retaining staff and recruiting others, then it is essential that such supplements are retained.
- 4.2 Whilst it is hoped that the changes in salary will have a positive impact on retention and recruitment, it is acknowledged that the environment within the industry is currently extremely dynamic as the full implications of the new legislation start to be understood. Accordingly the supplements (and if necessary grading) will be reviewed both in line with policy – but also more regularly if circumstances dictate.

5.0 Other Measures

- 5.1 The Council has a good package in terms of other employee benefits – including leave, pension and related matters. Given that mobility is vital for building control, private companies often offer generous company car packages. However, Trafford also has a good car scheme, based on fuel efficient vehicles; every effort will be made to remind staff of the wider benefits of working for the Council.

5.2 A Business Case setting out the changes set out in the report has been approved internally by Council Officers and these matters are now brought before the Employment Committee in line with similar changes in other services.

6.0 Recommendation

6.1 That the Market Supplements at paragraph 4.1 and rationale for payment be approved.