



*Knowsl@y Council*



**KNOWSLEY METROPOLITAN BOROUGH COUNCIL**

**BUILDING CONTROL SERVICE**

**SCHEME FOR THE RECOVERY OF BUILDING  
REGULATION CHARGES AND ASSOCIATED  
MATTERS**

TO BE READ IN CONJUNCTION WITH:  
THE BUILDING (LOCAL AUTHORITY CHARGES) REGULATIONS 2010

Date this Scheme comes into effect : **1st October 2010**

# SCHEME FOR THE RECOVERY OF BUILDING REGULATION CHARGES

## (1) Definitions

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

**'Authority'** means Knowsley Metropolitan Borough 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)(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 4A (requirements relating to thermal elements);
- (h) work required by Building Regulation 4B (requirements relating to a change of energy status);
- (i) work required by Building Regulation 17D (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 2000 (as amended) 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 2000 (as amended)
- (d) the consideration of building work reverting to the council under the Building (Approved Inspectors etc.) Regulations 2000 (as amended)
- (e) the consideration of a regularisation application submitted to the council under regulation 21 of the Building Regulations 2000 (as amended).

'**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'

'**thermal element**' means a wall, floor or roof (but does not include windows or roof-lights) which separates a thermally conditioned part of the building (known as the conditioned space) from:

- (a) the external environment (including the ground) or
- (b) in the case of floors and walls, another part of the building which is unconditioned, a conservatory (or porch) or another space which is conditioned to a different temperature.

## **(2) Principles of this Scheme**

Standard charges or a method of establishing a charge, are set-out in this scheme for the functions prescribed in the Building (Local Authority Charges) Regulations 2010, in relation to:

- (i) **A plan charge**, payable when plans of the building work are deposited with the Local Authority.
- (ii) **An inspection charge**, payable on demand after the Authority carries out the first inspection in respect of which the charge is payable.
- (iii) **A building notice charge**, payable when the building notice is given to the Authority.
- (iv) **A reversion charge**, payable for building work in relation to a building: -
  - 1. Which has been substantially completed before plans are first deposited with the Authority in accordance with Regulation 20(2)(a)(i) of the Approved Inspectors Regulations, or
  - 2. In respect of which plans for further building work have been deposited with the Authority in accordance with the Regulation 20(3) of the Approved Inspectors Regulations, on the first occasion on which those plans are or have been deposited.
- (v) **A regularisation charge**, payable where building work which has been substantially commenced prior to submitting an application to the Authority in accordance with Regulation 21 of the Building Regulations.

**(vi) Chargeable advice,** The Authority can make a charge for giving advice in anticipation of the future exercise of their chargeable functions (ie before an application or notice is received), which is payable on demand after the first hour of advice. This charge can be discounted from a subsequent application or notice received for the work in question.

All of the above charges are payable by the 'relevant person' (see above for definition).

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, multiplied by the estimated time taken to carry out the functions/advice, taking the following factors listed below (as applicable), 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;
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(5) or 20B (4) of the Building Regulations (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 20A(4) of the Building Regulations (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 Authority;
11. Whether chargeable advice has been given which is likely to result in less time being taken by the 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.

**(3) Principles of the scheme in respect of the erection of domestic buildings, garages, carports and extensions**

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.

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 can be aggregated to determine the relevant charge payable, providing that the building work for all aggregated extensions is carried out at the same time.

#### **(4) Exemption from charges**

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-

- (a) 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
- (b) 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-

- (a) 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
- (b) the provision of 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-

- (a) 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
- (b) for the provision of facilities designed to secure the greater health, safety, welfare or 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.

#### **(5) 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).

#### **(6) Establishing the Charge**

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 Charging schedules. In those schedules, any reference to number of storeys includes each basement level as one-storey and floor areas are cumulative.

If the building works that 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.

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 charges regulations.

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.

Where the work falls outside of the scope of standard charges (due to the floor area exceeding the maximum figure indicated), the charge assessed will be no less than the appropriate upper charge for that particular category of work.

In certain standard charges, the plan charge and the inspection charge have been combined and is payable when the application is deposited.

If the applicant and the Authority are agreeable, an inspection charge can be fully or partly paid up front with the plans charge.

#### **(7) Other matters relating to calculation of charges**

In calculating these charges, refunds or supplementary charges, an officer hourly rate of £50 has been used. This particular rate is applicable for financial year 2010/2011.

Any charge payable to the authority shall be paid with an amount equal to any value added tax payable in respect of that charge.

Charges are not payable for the first hour when calculating the level of chargeable advice.

The authority accepts payment by instalment in respect of all building work where the total charge exceeds £10,000. The authority on request will specify the amounts payable and dates on which installments are to be paid

#### **(8) Reductions**

When it is intended to carry out additional building work on a dwelling at the same time that any of the work described in Schedule 2 (category 1 through 9) relates, then the building notice charge for this additional work shall be reduced by 50%. (see Differential Matrix Table A below)

Where in accordance with Regulation 7(5)(j) of the Regulations an application is deposited in respect of building work which has been subject to a Rejection Notice and which is substantially for the same work, then a further plan deposit charge will not be required.

#### **(9) Refunds and supplementary charges**

If the basis on which the charge has been set or determined, the LA will refund or 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.

In situations where the building work includes electrical work and that work is not undertaken by a person registered with a competent persons scheme (or the owner of the work does not provide an electrical test certificate), then a surcharge £240.00 will be applied. This is to cover the cost of two additional site inspections and the cost of engaging a competent electrical contractor to produce a 'periodic test' certificate.

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 additional costs may also be included when setting the charge.

#### **(10) Non-Payment of a Charge**

A Building Regulation submission is 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 correct charge. In other words, relevant statutory 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.

## **(11) Complaints about Charges**

If you have a complaint about the level of charges you should initially raise your concern with the relevant officer. If your complaint is not satisfactorily responded to by the officer concerned, details of how to resolve your complaint via the Authorities corporate complaints procedure is available on request and can be viewed on the council's web site using the following link:

<http://www.knowsley.gov.uk>

## **(12) Transitional Provisions**

The Council's scheme for the recovery of charges dated 1<sup>st</sup> April 2010 continues to apply in relation to building work for which plans were first deposited, a building notice given, a reversion charge becoming payable, or a regularisation application is made, between 1<sup>st</sup> April 2010 and 30<sup>th</sup> September 2010 (inclusive).

## **(13) Standard Charges**

Standard charges include drainage works 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.

These 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 (details available from the Authority) and/or **the duration of the building work from application to completion does not exceed 36 months. Should the works be completed outside this time period, the Authority reserves the right to make additional surcharges based upon any revision to the Authorities site inspection charges applicable at the time.**

The charges have also been set on the basis that the design and building work is undertaken by a person or company that is competent to carry out the design and building work referred to in the standard charges tables that they are undertaking. If not, the work may incur supplementary charges. (See paragraph 9 above)

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.

### **(i) Plan and Inspection Charges**

The plan charge and inspection charge are listed in the following tables.

### **(ii) Building Notice Charge**

Where building work is of a relatively minor nature the Building Notice charge is generally 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 costs of using the Building Notice procedure results in the higher charge as detailed in the following tables.

### **(iii) Reversion Charge**

These charges will be individually determined

### **(iv) Regularisation Charge**

The charge is 120% of that listed in the following tables. It should be noted that VAT is not applicable to Regularisation applications:

*Insert:*

Schedule 1 table: refer to separate documents

Schedule 2 table: refer to separate documents

Schedule 3 table: refer to separate documents

**Table A: Differential Matrix for residential work**

	<b>Circumstance attracting a reduction</b>	<b>Reduction in Building Control Charge shown in Schedule 2 when that work is being carried out at the same time that any work shown in <b>category 1 through to 9</b> in Schedule 2 is being undertaken.</b>
1	Installation or replacement of windows and or doors in a dwelling-house (under 10 units).	50% of <b>Full plans</b> / Building Notice Charge
2	Where the work comes within the scope of Schedule 2 and the estimated cost of the building work is less than £5,000.	50% of <b>Full plans</b> / Building Notice Charge