

## ABERDEEN CITY COUNCIL

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<b>COMMITTEE</b>	Public Protection Committee
<b>DATE</b>	28 <sup>th</sup> April 2021
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Building Standards Activity Report
<b>REPORT NUMBER</b>	COM/21/083
<b>DIRECTOR</b>	Angela Scott
<b>CHIEF OFFICER</b>	Gale Beattie
<b>REPORT AUTHOR</b>	Gordon Spence
<b>TERMS OF REFERENCE</b>	4.1

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### 1. PURPOSE OF REPORT

- 1.1 To provide assurance and an overview of Council responsibilities in relation to securing dangerous buildings and protecting public safety, as well as activity on unauthorised building work and unauthorised occupation of buildings.

### 2. RECOMMENDATION(S)

The Committee:-

- 2.1 a) Notes and endorses the contents of the report and appendix and  
b) agrees to 6 monthly assurance reporting – next update 28<sup>th</sup> October 2021.

### 3. BACKGROUND

- 3.1 Aberdeen City Council act as verifier to administer the Building (Scotland) Act 2003 which is intended to secure the health, safety, welfare and convenience of persons in or about buildings and of others who may be affected by buildings or matters connected with buildings. In addition, the Building Standards team complete enforcement duties under the above Act with the objective of

protecting the public from harm caused by buildings. This report provides an update to the committee report of 7<sup>th</sup> October 2020 which covered the reporting period of Aug 2019 to July 2020. It was agreed at that committee to provide 6 monthly assurance reporting.

3.2 Details of formal and non-formal enforcement activity can be found in Appendix 1 relating to:

- Public Safety and dangerous buildings
- Unauthorised building work; and
- Unauthorised occupation of buildings without a completion certificate

Where informal discussions with an owner do not result in a speedy resolution to remove a danger to the public, a Notice will be served to set a deadline for resolution for completion of any necessary work. Where the deadline is exceeded, the Local Authority can complete the necessary work and seek expenses from the owner.

3.3 It should be noted that these activities do not have targets or performance measures as each case is dealt with in accordance with the Regulators Code of Conduct supported by the Building Standards Enforcement Charter.

#### 4. FINANCIAL IMPLICATIONS

4.1 The costs of verification and enforcement activities undertaken are included in the Building Standards revenue budget. There are no increased financial implications in relation to on-going activities.

4.2 Details of the Covid impact on the service are outlined in Appendix 1. No additional costs are being incurred from resuming inspections.

#### 5. LEGAL IMPLICATIONS

5.1 Occasional legal input required to determine ownership / responsibility especially in relation to buildings with common ownership prior to serving enforcement action.

#### 6. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
Strategic Risk	None		
Compliance	Failing to meet statutory obligations in terms of public safety	M	Dangerous building processes and procedures established, 24 hour on call service established, regular

			staff training and lessons learned sessions
<b>Operational</b>	Sufficient qualified staff to provide the service	L	Seven members of staff operate the dangerous building call out
<b>Financial</b>	Potential increase in work completed by Building Standards	L	Legislation permits monies to be retrieved from owners of buildings
<b>Reputational</b>	Delay in processing building warrant applications	M	Management of resources system in place
<b>Environment / Climate</b>	None		

## 7. OUTCOMES

The proposals in this report have no impact on the Council Delivery Plan.

UK and Scottish Legislative and Policy Programmes	The report provides evidence which fulfils the requirements placed upon the Council by the Building (Scot) Act 2003, Section 29 – Dangerous Buildings.
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## 8. IMPACT ASSESSMENTS

Assessment	Outcome
Impact Assessment	Full impact assessment not required
Data Protection Impact Assessment	Not required

## 9. BACKGROUND PAPERS

None

## 10. APPENDICES (if applicable)

Appendix 1 – Building Standards Activity

## 11. REPORT AUTHOR CONTACT DETAILS

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### Appendix 1 – Building Standards Activity

Period	Live Notices at start of period	Notices Served during period	Notices Closed during period	Live Notices at end of period
01/08/20 – 28/02/21				
Public Safety and Dangerous Buildings	18	3	1	20
Unauthorised Building Work	6	0	0	6
Unauthorised Occupation of Buildings	1	0	0	1

Number of visits resulting in formal or informal action

12 visits

For information – a Notice is principally served in 2 instances:

1. When negotiations seeking a speedy resolution to removing a danger have failed e.g. informal action
2. When a building has suffered a substantial incident and requires a higher degree of control to maintain public safety e.g. fire damaged.

Once a Notice is served, there is a statutory period of 21 days to allow an owner to appeal the notice. Thereafter, there is an expiry date by which the terms of the Notice must be met.

Position at the start of the period showed 25 live notices, because of the activity in this period there are now 27 live notices. The activity breakdown of the notices is:

2 notices are currently live and within the expiry period.

6 notices where the 21 day time period has been stopped to discuss options with owner. Building Standards are satisfied there is no direct public safety risk.

3 notices the Council are making safe the building.

15 notices where the time period has expired, further action being considered.

1 notice is pending approval of building warrant application to regularise the work and is therefore in the process of being closed

### **COVID Impact**

During periods of lockdown, Building Standards site inspections have been restricted except for the 24-hour emergency dangerous building call out which is deemed a critical service.

The availability for owners to access contractors has been restricted during periods of lockdown and therefore delayed the successful closure of some notices.

Notices under consideration will be re-visited and a dialogue resumed with owners with the intention to close out Notices once restrictions are lifted – the indicative timetable for work in people's homes to resume is 26<sup>th</sup> April 2021.