

ABERDEEN CITY COUNCIL

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| COMMITTEE | Public Protection Committee |
| DATE | 27 th October 2021 |
| EXEMPT | No |
| CONFIDENTIAL | No |
| REPORT TITLE | Building Standards Activity Report |
| REPORT NUMBER | COM/21/238 |
| DIRECTOR | Gale Beattie |
| CHIEF OFFICER | David Dunne (Interim) |
| REPORT AUTHOR | Gordon Spence |
| TERMS OF REFERENCE | 4.2 |

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)

That the Committee:-

- 2.1 Notes and endorses the contents of the report and appendix and
- 2.2 agrees to receive a further Building Standards Activity Report at the meeting of the Public Protection Committee on 28th June 2022

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 following a report to this committee on 28th April 2021 which covered the reporting period of Aug 2020 to Feb 2021.
- 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.

During the last reporting period, there have been no major incidents requiring significant intervention by Building Standards. For example, evacuation of a tenement building or fatal accident inquiry. Only 2 notices were served relating to minor incidents which were quickly resolved.

- 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 |
| Operational | Sufficient qualified staff to provide the service | L | Seven members of staff operate the dangerous building call out |

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|------------------------------|--|---|---|
| Financial | Potential increase in work completed by Building Standards | L | Legislation permits monies to be retrieved from owners of buildings |
| Reputational | Delay in processing building warrant applications | M | Management of resources system in place |
| Environment / Climate | None | | |

7. OUTCOMES

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

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| 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

Appendix 1 – Building Standards Activity

11. REPORT AUTHOR CONTACT DETAILS

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| Name | Gordon Spence |
| Title | Building Standards Manager |
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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 |
|---------------------------------------|---------------------------------|------------------------------|------------------------------|-------------------------------|
| 01/03/21 – 30/09/21 | | | | |
| Public Safety and Dangerous Buildings | 20 | 2 | 13 | 9 |
| Unauthorised Building Work | 6 | 0 | 4 | 2 |
| Unauthorised Occupation of Buildings | 1 | 0 | 1 | 0 |

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|---|-----------|
| Number of visits resulting in formal or informal action | 13 visits |
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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.

During periods of Covid lockdown, Building Standards site inspections have been restricted except for the 24-hour emergency dangerous building call out which is deemed a critical service. Call outs are generated through the Regional Call Centre reacting to reports from members of the public or the emergency services of a potentially dangerous building. A suitably qualified officer responds by making a site visit and assessing any necessary action to secure public safety.

Also, during these periods, the availability for owners to access contractors has been difficult and therefore delayed the successful closure of some notices.

Since lockdown restrictions were lifted in April 2021, Building Standards staff have liaised with owners of buildings which are subject of a live notice. Through negotiations, 18 live notices have been closed after a permanent solution was implemented. This has brought live notices down from 27 notices to 11 live notices. Building Standards staff continue to monitor the live notices and maintain public safety.