

ABERDEEN CITY COUNCIL

COMMITTEE	Public Protection Committee
DATE	28 th June 2022
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Building Standards Activity Report
REPORT NUMBER	COM/22/127
DIRECTOR	Gale Beattie
CHIEF OFFICER	David Dunne (Interim)
REPORT AUTHOR	Grant Tierney
TERMS OF REFERENCE	4.1, 4.2, 4.3

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 12 December 2022.

3. Current Situation

- 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 27th October 2021 which covered the reporting period of Mar 2021 to Sep 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, a further notice was served for unauthorised work.

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 in accordance with the Building (Scotland) Act 2003.

6. ENVIRONMENTAL IMPLICATIONS

6.1 There are no direct environmental implications arising from the recommendations in this report.

7. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	None			
Compliance	Failing to meet statutory obligations in terms of public safety	Dangerous building processes and procedures established, 24 hour on call service established, regular staff training and lessons learned sessions	M	Yes
Operational	Sufficient qualified staff to provide the service	Competency assessment for all staff. Regular staff training and lessons learned sessions Seven members of staff operate the dangerous building call out	L	Yes
Financial	Potential increase in work completed by Building Standards	Legislation permits monies to be retrieved from owners of buildings	L	Yes
Reputational	Delay in processing building warrant applications	Management of resources system in place	M	Yes
Environment / Climate	None			

***Note – if there are inconsistencies between the target risk level and the risk appetite level set, please provide rationale for your proposals.**

8. 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 (Scotland) Act 2003, Section 27 – Building Warrant Enforcement Notices, Section 29 – Dangerous Buildings.
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9. IMPACT ASSESSMENTS

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

10. BACKGROUND PAPERS

None

11. APPENDICES

11.1 Appendix 1 – Building Standards Activity

12. REPORT AUTHOR CONTACT DETAILS

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Appendix 1 – Building Standards Activity

Period 01/10/21 – 30/04/22	Live Notices at start of period	Notices Served during period	Notices Closed during period	Live Notices at end of period
Public Safety and Dangerous Buildings	9	2	1	10
Unauthorised Building Work	2	1	0	3
Unauthorised Occupation of Buildings	0	0	0	0

Number of visits resulting in formal or informal action	9 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.

Whilst lockdown restrictions changed during the reporting period, Building Standards staff have liaised with owners of buildings which are subject of a live notice, continuing to monitor the live notices and maintain public safety.