

ABERDEEN CITY COUNCIL

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| COMMITTEE | Communities, Housing & Public Protection Committee |
| DATE | 21 November 2024 |
| EXEMPT | No |
| CONFIDENTIAL | No |
| REPORT TITLE | Building Standards Activity Report |
| REPORT NUMBER | CR&E/24/325 |
| EXECUTIVE DIRECTOR | Gale Beattie |
| CHIEF OFFICER | David Dunne |
| REPORT AUTHOR | Grant Tierney |
| TERMS OF REFERENCE | 2.7 and 2.8 |

1. PURPOSE OF REPORT

- 1.1 To provide assurance and an overview of the Council's 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. RECOMMENDATIONS

That the Committee:-

- 2.1 notes the contents of the report and appendix; and
- 2.2 agrees to receive a further Building Standards Activity Report at the meeting of the Communities, Housing and Public Protection Committee on 27th May 2025.

3. Current Situation

- 3.1 Aberdeen City Council act as the 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 30 May 2024 which covered the reporting period of October 2023 to March 2024. This report covers the period 1 April to 30 September 2024.
- 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 this reporting period, April 2024 – September 2024, there have been no major incidents requiring significant intervention by Building Standards for example, evacuation of a tenement building or fatal accident inquiry. Two notices were served during the period, one requiring owners to address a defective boundary wall in Cove, the second to remove dangerous chimney pots from a building on Union Street.

- 3.3 Once a notice is served requiring the owner to reduce or remove the danger posed by the building, there is a statutory period of 21 days to allow the owner to appeal the notice. Thereafter, there is an expiry date by which the owner must meet the terms of the notice.

During the period of the notice, Building Standards staff continue to liaise with the owner of building regarding the terms of the notice. Building Standards staff continue to monitor and inspect buildings that are subject to a live notice to maintain public safety until the notice can be closed.

- 3.4 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.

5. LEGAL IMPLICATIONS

- 5.1 There are no direct legal implications arising from the recommendations in this report.

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. Eight 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 | | | |

8. 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 (Scotland) Act 2003; |
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| | Section 27 – Building Warrant Enforcement Notice Section 28 - Defective Building Notice Section 29 and 30 – Dangerous Buildings Notices |
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9. IMPACT ASSESSMENTS

| Assessment | Outcome |
|--|--|
| Integrated Impact Assessment | No assessment required. I confirm this has been discussed and agreed with, David Dunne, Chief Officer, Strategic Place Planning on 14/10/2024. |
| 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 01/04/24 – 30/09/24 | 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 | 18 | 2 | 1 | 19 |
| Unauthorised Building Work | 5 | 0 | 0 | 5 |
| Unauthorised Occupation of Buildings | 0 | 0 | 0 | 0 |

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| 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.

Building Standards site inspections have been maintained during the trial of hybrid working patterns, the provision of 24-hour emergency dangerous building call out which is deemed a critical service remains unaffected. 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.

Building Standards staff continue to liaise with owners of buildings which are subject of a live notice, continuing to monitor the live notices and maintain public safety.