

# Maldon District Council

## Building Control Policy and Procedures 2025-2028

### Document Control Sheet

<b>Document Title</b>	<b>Maldon District Council - Building Control Policy and Procedures 2025-2028</b>
<b>Summary of Purpose</b>	Sets out the Council policy and service standards for the Enforcement of Building Regulations, the Inspection and making safe Dangerous Structures, Demolition Notices and answering enquires, copies of documents and record keeping.
<b>Responsibility of:</b>	Building Control Team Manager
<b>Status</b>	S&R Committee Version
<b>Version No.</b>	2.2 - Reformatted 2.1 - Version Control added to comply with Internal Audit 2024/2025, Building Safety Regulator KPIS and legislation changes.
<b>Approved by</b>	S&R Committee Council
<b>Approval date</b>	TBC – S&R Committee – 24 July 2025 TBC – Council 11 September 2025
<b>Review frequency</b>	At least every 3 years
<b>Next Review</b>	As necessary
<b>Circulation</b>	All Building Control Officers, Technical Support Officers & Head of Development Management & Building Control
<b>Publish on Website?</b>	Yes

## **Purpose of this Policy and Procedure**

The Building Control team within the Development Management and Building Control Service cover work falling into five main areas listed below. This Policy document also addresses the requirements for the Registration of Building Inspectors carrying out restricted functions:

1. Enforcement of Building Regulations
2. Inspection and making safe Dangerous Structures
3. Demolition Notices
4. General advice, answering enquires, copies of documents, record keeping, etc
5. Complaints and appeals

## **Our Building Inspectors**

### **Registration of Building Inspectors**

The Building Safety Act 2022 places a requirement for all people carrying out restricted building control functions to be qualified and registered with the Building Safety Regulator<sup>12</sup>. Restricted functions include plan checking, site inspections and giving advice on compliance/enforcement of Building Regulations.

Building Inspectors must be qualified and registered to the level appropriate to the level of work they undertake. There are 4 classes of registration:

- Class 1. Trainee (Can only work under supervision on all work)
- Class 2. Domestic (Can work on domestic extensions and new houses with no more than 3 storeys or a floor of 7.5m. All other work must be done under supervision)
- Class 2. General (Can work on all buildings with a floor less than 18m or 7 storeys, except in-patient care premises, non-standard warehousing, industrial buildings containing hazardous substances or processes, Regulated stands/Certificated stadia and indoor sports/music arenas and MMC/Mass timber/Volumetric etc. Work on these must be supervised)
- Class 3. Specialist (Can work on all buildings unsupervised)
- Class 4. Technical manager (Can work on and manager people at the level of qualification class held)

### **Supervision of Inspectors**

Legislation restricts the maximum number of people one Inspector can supervise; this is four Inspectors. Although there is a strong recommendation that all Inspectors should be qualified and work under supervision for as short as time as possible.

<sup>1</sup> <https://www.hse.gov.uk/building-safety/regulator.htm>

<sup>2</sup> It was announced on 30 June 2025 that the BSR would move from the Health and Safety Executive (HSE) and be managed directly by MHCLG via an Executive Agency.

Maldon District Council will risk assess all supervision and use a sliding scale to apply the appropriate level of supervision taking account of the person doing the supervision and the person being supervised.

**Class 1 New starters / trainees**

All new starters and trainees will be restricted to working on domestic level work only. All new starters will have all restricted function work checked by someone that holds the correct registration class for the work being undertaken. This will progress to 1 in 5 jobs for trainees close to registering for Class 2 with a minimum of 2-years' experience.

**Class 2a (Domestic)**

Class 2a inspectors can only work on domestic buildings and only up to a height of three storeys. Class 2a domestic inspectors undertaking Class 2f general work will be risk assessed and an appropriate level of supervision will be applied by someone registered at Class 2f General or Class 3. This will be applied via a sliding scale where someone newly qualified will have 1 in 5 plan checks and site inspections re-checked. Progressing to 1 in 12 jobs for someone close to applying for Class 2f general registration.

**Class 2f (General)**

Class 2f can do everything Class 2a can do, plus they can work on commercial buildings up to a height of 18 meters. They can supervise Class 1 or Class 2a working on Class 2f work. Class 2f can work unsupervised.

**Class 3 (Specialist)**

Maldon District Council do not currently have any work in the District which will require a Class 3 inspector to carry out the restricted functions. Any work outside of the competency of a Class 2 General inspector will be referred to the Building Safety Regulator for allocation to an appropriately qualified inspector external of the Council to oversee. If resources permit and a Class 3 inspector from a neighbouring council is willing to supervise a Class 2 inspector from Maldon District Council they may undertake work on Class 3 projects.

**Conflicts of interest**

Registered Building Inspectors are required by their professional Code of Conduct to not undertake any work which could result in a conflict of interest. Where their conflict is of a personal nature, such as a close personal friend or relative carrying out work within the District the Inspector will not check plans to carry-out site inspections for those works. The work will be checked by the most senior qualified member of staff with no connection to the person carrying out the work, providing they are certified at the necessary Class.

Where the conflict is of an employment or professional nature such as where Maldon District Council is carrying out work, the work shall not be checked by Registered Building Inspectors working for Maldon District Council. The work will be offered instead to a neighbouring council.

**Training and Monitoring of Support Staff**

All support staff will be offered the opportunity to attend the Local Authority Building Control Level 3 Certificate course in Technical Support. Support staff will also attend Building Control team meetings, where any changes to operational workings will be relayed and the opportunity for process improvement discussed. Process documents will be regularly reviewed and updated, and presentations will be given after regulatory changes to ensure any changes are embedded as quickly as possible.

## **Spot Checks**

The Building Control Team Manager and Principal Building Control Officer will periodically, at random time intervals, check other Inspector's work, including each other. All team members including Technical Support staff will be subject to checks which will include but will not be limited to validation, plan-checks, site inspection and decisions.

## **Enforcement of Building Regulations**

The Building Act 1984 places a duty on Local Authorities to enforce the Building Regulations within its area. The purpose of Building Regulations is to protect peoples' health, safety and welfare in and around buildings. The regulations are also designed to improve the conservation of fuel and power, protect and enhance the environment and promote sustainable development.

### **Our service obligations for all application types**

All application types are entered into our case management software, IDOX Uniform / Civica. We aim to:

- register 95% of applications within 2 days of receipt.
- check the validity of at least 95% of applications within 5 working days.
- acknowledge receipt within 5 working days where an application is found to be valid.
- let the applicant know what is outstanding within 5 working days where an application is found to be invalid.

### **Exempt work**

Where an application is submitted for work which is exempt from the requirements of Building Regulations the applicant will be notified and any fee paid will be refunded.

### **Validity**

An application is valid only once the application form and correct fee is received.

### **Fees**

All application fees are checked to ensure they are correct as part of the validation process. If no fee is submitted with an application, the fee is calculated, and a letter is sent to the applicant advising them of the required fee. If the fee is incorrect and a shortfall is calculated, a letter is sent informing the applicant of the outstanding amount. If an overpayment is received, a refund will be issued by the same method as the payment was made if possible.

Our Fees are reviewed annually in line with the Council's budgetary review of Fees and Charges.

[https://www.maldon.gov.uk/info/20047/building\\_control/9583/fees\\_and\\_charges](https://www.maldon.gov.uk/info/20047/building_control/9583/fees_and_charges)

## Types of Application

There are four types of application which the Local Authority deal with.

### 1. Full Plans

Full plans applications are used where the applicant wishes to get the drawings and details of the work approved before the work starts.

Once a valid full plans application has been received, we aim to check 95% of all details and drawings deposited for compliance with the specific requirements of Building Regulations within 15 working days. Where details are found to show compliance an approval notice will be issued to the applicant. Where details are found to not show compliance, or information is missing a letter listing the non-compliant, missing items will be issued. We aim to send any required consultations to the relevant parties within 15 working days.

Where further details are needed these will be rechecked as soon as possible once received. These must be rechecked within the statutory decision time scales.

In all full plans cases, a decision is required by law to be issued at either 5 weeks or 8 weeks depending on whether the applicant has agreed to an extension of time. We aim to issue 100% of decisions within the statutory time scales required. Failure to issue a decision within the required time period results in the deposited plans being deemed approved and a refund to the applicant of the plan-checking fee.

### 2. Building Notices

A Building Notice cannot be used for work to commercial buildings. These may only be used for domestic work where, if an extension, it is not within 3m of a public sewer, or located on a private road.

Once a valid Building Notice has been received, we aim to issue an acknowledgment letter within 5 working days. There is no approval of any deposited drawings etc when a Building Notice is used.

### 3. Regularisations

Regularisation applications must only be used where the work has started before an application has been received.

Once a valid regularisation has been received, we aim to issue an acknowledgment letter within 5 working days. There is no approval of any deposited drawings etc when a regularisation is used.

### 4. Reversions

Reversion applications are used where work which has started and was being overseen by an Approved Inspector reverts to the Local Authority. There are a few reasons why work may revert to the Local Authority the main ones being:

- the Approved Inspector has had their licence withdrawn by the Construction Industry Council Approved Inspectors Register (CICAIR);
- the Approved Inspector ceases trading; or
- the Approved Inspector is unable to get the work to comply.

Approved inspectors have no powers of enforcement so when a breach of Building Regulations occurs and the contractor cannot, or will not, correct the work; the only option available is for the work to revert back to the Local Authority for enforcement.

Once a valid reversion has been received, we aim to issue an acknowledgment letter within 5 working days. There is no approval of deposited drawings etc when a reversion is used.

### **Site Inspections (all application types)**

Once the following stages of work are reached there is a statutory requirement of the duty holder to notify the Local Authority and leave the work open and available for inspection for a specific period of time.

- Start of work .....1 days' notice
- Commencement .....2 days' notice
- Foundations.....2 days' notice
- Damp proof course .....2 days' notice
- Oversite .....2 days' notice
- Drainage.....5 days' notice
- Occupation .....5 days' notice
- Completion .....5 days' notice

However, we aim to do better than the statutory notice periods and offer more robust inspection stages as part of our service. We aim to ensure all inspections booked before 4.00pm the previous day are carried out the next working day. The inspections to be notified are as follows:

- Commencement
- Foundations
- Damp proof course
- Oversite
- Drainage
- Structural members, roofs, floors, beams etc.
- Insulation
- Completion

All inspections results will be electronically recorded in the council's case management software IDOX Uniform / Civica. We aim to record 90% of inspections the same day the inspection was carried out. We aim to record all inspection results by the end of the next working day.

### **Compliant work (all application types)**

Following a satisfactory completion inspection, we will issue a Completion Certificate. We aim to issue Completion Certificates within two working days of a satisfactory completion inspection being carried out.

### **Non-compliant work (all application types)**

Where work is found to be non-compliant, we will let the applicant's contractor know whilst still on site, or as soon as possible afterwards, if they are not present. If we suspect the contractor is not likely to correct the work, or pass on the information to the applicant, we will inform the applicant as soon as possible after discovery.

In all cases, we will give a reasonable amount of time to the applicant to correct the work. Where work is not corrected, and the breaches are not considered dangerous, we will record the breach and issue a Compliance Notice and withhold the Completion Certificate until the work is corrected. Where the breach is however serious and could result in injury or death, a Stop Notice with a time limit for the work to be corrected will be notified to the applicant. If the work is still not corrected the relevant notices will be issued. If these are not complied with the case will be referred to the legal department to consider for prosecution.

Where breaches of Building Regulations are discovered, these can only be prosecuted within 10 years of the offending work being carried out. This is particularly relevant to Regularisation applications which are often submitted after the 10-year deadline.

### **Dangerous Structures**

Dangerous structures vary from collapsing boundary walls, falling masonry and tiles, vehicle impact into buildings, fire damage, wind and weather damage, neglect and poor maintenance.

### **Our obligations for dangerous structures**

The prime responsibility for the condition of a building or structure lies with its owner/occupier; however, we have an obligation under Sections 77 and 78 of the Building Act 1984 to deal with dangerous structures in the District and if the owner cannot be found or contacted, the Council is authorised to do work to make the building or structure safe and recharge the owner its reasonable costs for doing so where work is imminently dangerous.

A dangerous structure or part of a building which is unable to sustain or carry any imposed loads, may be dangerous, and may be required to be removed. Our aim is to respond to any reports of possible dangerous structures and investigate them as soon as possible. Our legal duty is to safeguard the public, and we will deal directly with the owners, agents or the structure itself to make the area safe. Close liaison with the police, fire and rescue service, highways and other agencies can help resolve difficult or extraordinary situations.

The Building Control team aim to provide a rapid response service to protect the public in and around buildings that have become dangerous. We aim to inspect all dangerous structures as soon as possible after receiving a report, 24 hours a day, 365 days a year. This is achieved by the Building Control team providing cover during office hours. Out of hours, we will attempt to provide this through the Building Control team in the first instance, if this is not possible the Council will look to find an external contractor to take on the work, if available. Where a report is not anonymously made, we will respond to the person making the report to advise them of the outcome of our inspection. If a structure is found to be dangerous, a case will be created in our case management system IDOX Uniform/Civica and the details will be recorded along with any action needed and/ or taken.

## **Fees/Costs**

There is no fee due for the service to inspect or investigate a potentially dangerous structure.

Where work is found to be dangerous and action must be taken and after we have made all reasonable attempts to find and contact the owner to give them the opportunity to deal with the danger themselves, a record of all costs incurred by the council will be kept. Following the resolution of the danger this will be passed to the Finance department for debt recovery of our reasonable costs from the owner.

## **Types of dangerous structures**

There are two main categories:

### **1. Imminent**

These structures are at risk of collapse and must be secured for public safety. The owner will normally be charged for emergency works carried out in these cases since the prime responsibility for the condition of a building or structure lies with its owner.

### **2. Hazardous**

These structures are found to be unstable by Inspector but are not imminently dangerous. The owner is given a reasonable time to remove the danger. Failure to respond or take action may result in a Magistrates Court Order being obtained to get any work required done.

Following an inspection where a structure is found to be dangerous, a case will be created in the council's case management system IDOX Uniform / Civica where photos, inspection records and all correspondence will be logged.

## **Demolition Notices**

A Notice of Intended Demolition is required under Section 80 of the Building Act 1984 to demolish a whole, or part of, a building. The persons responsible will need to inform their Local Authority that they are planning to do so, before the demolition work is carried out. No fee is required to be paid to the local authority for this function.

There are three exemptions to this:

- A Notice does not need to be submitted if the demolition is occurring as a result of a Demolition Order, made under Part IX of the 1985 Housing Act;
- A Notice does not need to be submitted if the demolition is for a shed, greenhouse, conservatory, prefabricated garage, or any building which has a cubic content of less than 1,750 cubic feet; or
- A Notice does not need to be submitted if the demolition is for an agricultural building, as stated in Schedule 5 of the Local Government Finance Act 1988, unless it is attached to another non-agricultural building.



## **Our obligations for Demolition Notices**

Once we have received Notice of Intended Demolition, we should serve a Counter Notice.

Under Section 81 of the Building Act 1984 the Counter Notice should list certain works which must be carried out before or during the demolition process.

The works required by the Counter Notice may require any of the following:

- shore up any building adjacent to the property marked for demolition.
- weatherproof any surfaces of an adjacent building that will be exposed by the demolition.
- repair any damage that an adjacent building has sustained due to the demolition work.
- remove any material or rubbish created by the demolition.
- disconnect and seal any sewer or drain under the demolished building.
- if any sewers or drains are removed, the remaining connections should be sealed.
- make good the surfaces of the ground disturbed by sewer or drain removal and sealing.
- ensure that the necessary companies have been contacted to disconnect gas, electricity and water.
- make appropriate arrangements for the burning of any structures or materials.

The Building Control team aim to issue a Counter Notice within three weeks of receipt of a Notice of Intended Demolition. If the Local Authority does not issue a Section 81 Notice, demolition can proceed once six weeks have passed since the initial Section 80 Notice was submitted. All Demolition Notices have a case created and are recorded in the case management system IDOX Uniform / Civica.

## **Inspections**

Due to staffing resources within the Building Control team, we will only inspect demolition sites where a complaint or breach of conditions is reported to us. Inspections of this type are carried out during our normal routine daily inspections to minimise the cost to the council.

## **Other services**

### **General advice**

The Building Control team provide a free advice service for residents of the district. This service covers the Building Act 1984, the Building Regulations 2010 as amended and allied legislation. We try to answer all enquires as soon as possible however we aim to reply to 90% within 3 weeks. This would not however include design advice, which is against the BSR Operational Standards.

## **Record keeping**

### **General record keeping**

The Council has a duty to keep all building control records for at least 15 years. This is because they may be required as evidence in a case or for a warrantee claim. Building Control records are not however public documents, and the public have no automatic right to see them

We currently have most records back to 1993, but prior to this date records are incomplete.

## **Approved Inspectors**

### **Initial Notices**

Private sector Approved Inspectors have existed since 1985 and operate in competition with Local Authority Building Control. Persons carrying out building work have the choice to either use the Local Authority or an Approved inspector to oversee the compliance of the work. If an Approved Inspector is used, instead of the Local Authority Building Control Service, then an 'Initial Notice' must be submitted to the Local Authority jointly by the Approved Inspector and applicant before work commences on site. Once submitted, the local authority should check the details of the Initial Notice within 5 working days. The Local Authority can reject the notice if the details are found to be incorrect or the work is found to have already started. Failure to check the initial notice within 5 days results in the notice being deemed accepted and the Local Authority cannot reject it after this time. Once the notice has been accepted by the local authority the responsibility for plan-checking and site inspection will be formally placed on the Approved Inspector.

Due to resources, we do not inspect and check to see if work has already started on site when an Initial Notice is received.

### **Final Certificate**

Upon completion of the work, the Approved Inspector will issue what is known as the 'final certificate' to the local authority and applicant, confirming that the work in the Initial Notice is complete and that the Inspector is satisfied that it complies with the Building Regulations requirements. The Local Authority is not required to do any further checks but will maintain a record of all certificates received from Approved Inspectors. The Approved Inspector is not required to share the detailed documentation on Building Control applications they process with the Local Authority.

## **Competent Persons Schemes**

Competent Person Schemes were introduced by the government in 2002, to allow individuals and enterprises to self-certify that their work complies with the Building Regulations as an alternative to getting Building Regulations approval by a Building Control Body. A Competent Person must be registered with a scheme that has been approved by the Minister for Housing, Communities and Local Government.

Types of building work included in the Competent Person Schemes include:

- Air pressure testing of buildings
- Cavity and solid wall insulation in an existing building
- Combustion appliances

- Electrical installations
- Heating and hot water systems
- Mechanical ventilation and air-conditioning systems
- Plumbing and water supply systems
- Replacement windows, doors, roof windows or rooflights
- Replacement of roof coverings on pitched or flat roofs
- Microgeneration and renewable technologies

Government have placed a duty on Local Authorities to record and maintain a register of all work carried out under a Competent Person's Scheme. The recording of this work is an automated process by which data submitted via the different schemes is entered into the council's database at irregular intervals via an EML file upload.

The council does not hold any specifics about the work, nor does it hold copies of certificates issued under the Competent Person Scheme. These are simply a record describing the work carried out, the company registered to do the work and the dates the work was done.

## **Copies of documents**

We provide copies of some documents held by the council. Items such as Completion Certificates and Decision Notices are provided at cost in accordance with our Fees and Charges Schedule. We do not provide copies of drawings, calculations, drainage or services records.

There is a charge for copies of documents, once this has been received, we aim to send 90% of requests within three weeks of receipt of payment.

## **Concerns, Complaints and Appeals**

We are always keen to have feedback on what customers think of the service that they receive and our team pride themselves in delivering excellent customer service. If you have a comment on the service that you have received, a compliment for a member of the team or if you feel that an improvement could be made that might benefit others too please let us know by emailing us at [buildingcontrol@maldon.gov.uk](mailto:buildingcontrol@maldon.gov.uk)

### **Informal Concerns**

In the first instance, please reach out and talk to us. Initial concerns will be handled by the Inspector involved. If this fails to resolve the issue the matter will be escalated to the Building Control Team Manager for review and possible intervention.

### **Formal Complaints**

If the issue cannot be resolved to your satisfaction, the matter can be escalated to Stage 1 of the formal complaints process. Stage 1 is passed to a Head of Service for review and is responded to within seven working days. If you remain dissatisfied with our Stage 1 response you should let us know by completing the form attached to your Stage 1 response and writing to us. Stage 2 is reviewed by Assistant Directors and we will respond within seven working days.

Complaints Form:

[https://my.maldon.gov.uk/service/Make\\_a\\_formal\\_complaint?accept=yes&consentMessageIds%5b%5d=6](https://my.maldon.gov.uk/service/Make_a_formal_complaint?accept=yes&consentMessageIds%5b%5d=6)

If you remain dissatisfied, you can then refer the matter to the Local Government and Social Care Ombudsman:

Telephone: 0300 061 0614

Monday, Tuesday, Thursday and Friday: 10:00 to 13:00

Wednesday: 13:00-16:00

<https://www.lgo.org.uk/contact-us>

### **Complaints about a Registered Building Inspector**

If you have an issue with a Registered Building Inspector or the Local Authority as the Registered Building Control Approver you may refer the matter to the Building Safety Regulator:

Telephone: 0300 790 6787

Monday-Friday: 08:30 to 17:00

<https://www.gov.uk/guidance/contact-the-building-safety-regulator#make-a-complaint-to-bsr>

### **Compliance**

If the issue is a disagreement on a matter of compliance you may refer the issue to the Ministry of Housing, Communities and Local Government for a formal determination. You may also make an appeal to a Magistrate's Court.