

SOUTH THAMES GATEWAY BUILDING CONTROL JOINT COMMITTEE

13 June 2013

DISABLED PERSONS APPLICATIONS

Report from: Tony Van Veghel, Director, South Thames Gateway
Building Control Partnership

Summary

This report seeks to update Members on the number of Building Regulation applications made on behalf of disabled persons or their carers which have been funded from the contributions paid for by the three Partner Authorities.

1. Budget and Policy Framework

1.1 Certain duties and functions that each authority carries out under its building control legislation are paid for through the contributions from each Authority. Work for disabled persons and some carers is exempt from paying the building regulation charge under the Building (Local Authority Charges) Regulation 2010 and the cost of these applications is met from the contributions element paid by the Partners. This report gives details of the number of applications received and an estimate of the income that would have been generated had we been able to charge for this work as shown in Appendix 1.

2. Background

2.1 The Building (Local Authority Charges) Regulation 2010 extended the exemption for disabled person applications to include carers that have to stay overnight. There remains an exemption from charging for Building Control services for building work to existing dwellings where a disabled person is or will be a permanent resident, or to existing buildings to which members of the public are admitted (eg, shops, banks etc). It does not apply to the construction of a new building. The whole of the work in question must be either to provide means of access to enter or exit the building, or to move to or from any part of it, or for the purposes of providing accommodation or facilities to secure the greater health, safety, welfare or convenience of a disabled person.

3. Directors' Comments

- 3.1 There are a number of improvements and adaptations to properties that are carried out to assist disabled people including kitchen and bathroom extensions; living room, kitchen, bathroom and bedroom adaptations, chair lifts, through-floor lifts, flush floor showers, wet rooms and special treatment rooms. Extensions and building works of this nature would normally require consent and a relevant charge to be paid. However, for disabled persons, provided they meet a certain criteria, they are exempt the charge.
- 3.2 This unfunded work still needs to progress through the normal building regulation process, requiring where a full plans is deposited, a set of approved plans and through both the full plans and the building notice procedure compliance through inspections on site.
- 3.3 The cost of these applications is then borne by the authority in which the work is being carried out. Within the CIPFA guidance accompanying the charges legislation, this type of application is classed as non-chargeable activities within the Building Regulation Service and within the Constitution of the Partnership these are funded by the contributions element of budgeted income from each of the Partner Authorities.
- 3.4 Since the commencement of the Partnership the numbers of applications for disabled persons has been monitored along with an estimate of the charges that would have accrued had the applications been chargeable in the usual way. Up to year 2010/11 the number count had been steadily increasing as had the estimate of charges lost. Even in 2011/12 when the numbers showed a slight decline the value of income lost continued to increase due to the type of work being undertaken. This data was reported back to Members through the Business Plan and monitoring reports and Members were concerned over the impact this was having on the overall proportion of the contributions that paid for this work. A paper showing the percentage splits of all work paid for by contributions was taken to Joint Committee in March 2012 and showed that percentage of contribution spent on disabled person applications increasing from 16.11% in 2008/09 to 20.21% in 2009/10 and 23.29% in 2010/11.
- 3.5 However, last years data shows a significant fall in both applications received and potential income lost.
- 3.6 In 2011/12 we had 315 applications but in 2012/13 this had dropped to 197 a 37% fall. The estimate for income lost in 2011/12 was £106,973 and in 2012/13 £50,992 a drop of over 52%.
- 3.7 In discussion with colleagues in all three authorities it would appear government grant funding was cut back for that year and this year but not to the percentage levels indicated above. Not all schemes to be funded from disabled grants require building regulation approval and a

large number of minor works and adaptations which do not fall within the scope of building regulations are undertaken or are carried out under the competent person schemes, therefore not requiring formal application.

- 3.8 There are also a number of applications which are carried out to improve the facilities for disabled persons which are privately funded and are not reliant on grant funding. Here the general economy has had an effect with a fall in the number of extensions and other related work. Whilst these applications are privately funded they remain exempt from the building control charge provided the application meets the criteria in the Charges Legislation 2010. A 'disabled person' means a person who is within any of the descriptions of persons to whom Section 29 (1) of the National Assistance Act 1948, as extended by virtue of Section 8 (2) of the Mental Health Act 1959 apply.
- 3.9 Section 29 (1) of the National Assistance Act 1948 describes disabled persons as persons who are blind, deaf or dumb, or who suffer from mental disorder of any description and other persons who are substantially and permanently handicapped by illness, injury or congenital deformity or such other disabilities as may be prescribed by the Minister.
- 3.10 The Children's Act 1989 added the words eighteen or over to the above description but that reference has been specifically removed in respect of the Building (Local Authority Charges) Regulation 2010.
- 3.11 Local Authorities have no option but to accept every valid building regulation application and this includes those that are covered by the exemption in the charges legislation. The Partnership has accepted this from the outset and has allocated sufficient funding through the contributions to cover the cost of these and other statutory duties and functions. A fall in one area of work type such as disabled person applications last year enables resources to be redistributed to other areas of the 'contributions' work. Last year, for example, we were able to better target the unauthorised works sector of this funding and were able to increase enforcement activity and generate additional income through regularisation applications, doubling income from a budgeted figure of £30,000 to an end of year figure of £60,000.
- 3.12 All work funded by contributions will continue to be monitored and reported back to Members through the Business Plan and monitoring reports. With significant changes in working practices highlighted so as to demonstrate continued value for money.

4. Financial Implications

- 4.1 There are no direct financial implications from this report as the total contributions from each authority are agreed through the Business Plan.

5. **Legal Implications**

5.1 There are no direct legal implications as a result of this report.

6. **Risk Management**

6.1 There are no additional risks from this report. However, it should be noted that an increase in activity in any one of the work streams funded by the contributions will result in a redistribution of resources as funding is governed by the total contributions agreed through Joint Committee.

7. **Recommendation**

7.1 Members are asked to note the contents of the report.

8. **Suggested Reason for Decision**

8.1 Members have a monitoring role in respect of the contributions payable for non-chargeable work so as to ensure duties and functions for each Authority are carried out by the Partnership.

Lead officer contact

Tony Van Veghel, Director, South Thames Gateway Building Control Partnership, Compass Centre, Chatham Maritime, Kent, ME4 4YH
Tel: 01634 331552
E-mail: tony.vanveghel@stgbc.org.uk

Background papers

None

Appendix 1 - Disabled Persons Applications

DISABLED PERSONS APPLICATIONS

Number count

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	TOTAL
07 - 08							21	15	14	13	19	15	97
08 - 09	23	14	11	30	19	15	20	20	28	37	25	9	251
09 - 10	13	19	40	31	33	18	26	24	15	28	32	40	319
10 - 11	18	31	26	18	38	20	15	55	31	29	39	27	347
11 - 12	25	31	30	25	22	21	34	27	14	27	28	31	315
12 - 13	20	19	17	18	30	21	16	15	10	11	12	8	197

Loss of fees

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	TOTAL
07 - 08							4,591.95	3,510.00	3,276.00	3,042.00	4,412.00	3,510.00	22,341.95
08 - 09	5,382.00	3,359.00	2,541.30	7,042.38	5,842.02	3,510.00	5,449.32	5,449.32	6,552.00	8,658.00	5,850.00	2,106.00	61,741.34
09 - 10	3,048.85	4,454.65	9,256.92	7,267.95	7,736.85	4,220.10	6,095.70	5,626.80	3,516.75	9,996.00	11,424.00	12,686.85	85,331.42
10 - 11	4,960.59	7,499.71	6,340.44	4,212.00	9,404.88	4,936.44	3,510.00	13,895.76	8,789.02	8,984.30	23,907.00	7,748.65	104,188.79
11 - 12	7,853.95	11,255.40	11,465.35	17,565.60	8,628.10	7,507.50	8,468.20	6,318.00	4,085.90	8,125.00	7,274.80	8,425.30	106,973.10
12 - 13	5,829.20	5,187.00	4,560.40	4,989.46	7,298.20	5,322.20	3,744.00	3,425.76	2,852.20	2,574.00	3,073.20	2,137.20	50,992.82
													431,569.42

£

	Qtr 1	Qtr 2	Qtr 3	Qtr 4
08 - 09	11,282.30	16,394.40	17,450.64	16,614.00
09 - 10	16,760.42	19,224.90	15,239.25	34,106.85
10 - 11	18,800.74	18,553.32	26,194.78	40,639.95
11 - 12	30,574.70	33,701.20	18,872.10	23,825.10
12 - 13	15,576.60	17,609.86	10,021.96	7,784.40

Numbers

	Qtr 1	Qtr 2	Qtr 3	Qtr 4
08 - 09	48	64	68	71
09 - 10	72	82	65	100
10 - 11	75	76	101	95
11 - 12	86	68	75	86
12 - 13	56	69	41	31