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## **Building Control Service**

### **Scheme for the recovery of Building Regulation charges and associated matters**

**Applicable from 1 April 2021**

**Building Act 1984  
The Building Regulations 2010 (as amended)  
The Building (Local Authority Charges)  
Regulations 2010**

# **Scheme for the Recovery of Building Regulation Charges**

## **Section 1: Definitions**

The following definitions apply to this Charging Scheme and should be read in conjunction with other clauses which constitute the Charging Scheme.

**'Building'** Means any permanent or temporary building, but not any other type of structure or erection. A reference to a building includes reference to part of a building.

**'Building Notice'** Means a notice given in accordance with regulations 12(2)(a) and 13 of the Building Regulations 2010 and any succeeding legislation.

**'Building work'** As described in Regulation 3 of the Building Regulations 2010

**'Chargeable function'** Means a function relating to the following:

- a) The administration of a Building Regulations application including the registration of applications, assessment of plans documents and building designs and the passing or rejecting of plans of proposed building work which has been deposited with the Council in accordance with section 16 of the Building Act 1984 (as amended);
- b) The inspection of building work for which plans have been deposited with the Council in accordance with The Building Regulations 2010 and with section 16 of the Building Act 1984 (as amended);
- c) The administration and consideration of a Building Notice which has been given to the Council in accordance with The Building Regulations 2010;
- d) The inspection of building work for which a Building Notice has been given;
- e) The administration and consideration of building work reverting to the Council under The Building (Approved Inspectors etc.) Regulations 2010;
- f) The inspection of building work for which a Reversion application has been given;
- g) The administration and consideration of a Regularisation application submitted to the Council under Regulation 18 of The Building Regulations 2010;
- h) The inspection of building work for which a Regularisation application has been given.

**'Cost'** Does not include any professional fees paid to an architect, quantity surveyor or any other person but is the commercially based estimate that a contractor in business for that type of work would charge to undertake the project. DIY savings must be ignored.

**'Dwelling'** Includes a dwelling house and a flat as defined in the Building Regulations 2010.

**‘Dwelling-house’** As defined in the Building Regulations 2010 and does not include a flat or a building containing a flat.

**‘Estimate’** For the purposes of the Building (Local Authority Charges) Regulations 2010 an ‘estimate’ is required to be such reasonable amount as would be charged by a person in business to carry out such work, excluding the amount of VAT payable and professional fees.

**‘Flat’** Means a separate and self contained premises constructed or adapted for use for residential purposes and forming part of a building from some other part of which it is divided horizontally.

**‘Floor area of a building or extension’** Is the total floor area of all the storeys which comprise that building. It is calculated by reference to the finished internal faces of the walls enclosing the area, or, if at any point there is no enclosing wall, by reference to the outermost edge of the floor.

**‘Relevant person’** Means:

- a) In relation to a Plans Charge, Inspection Charge or Reversion Charge or Building Notice Charge, the person who carries out the building work or on whose behalf the building work is carried out;
- b) In relation to a Regularisation Charge, the owner of the building;
- c) In relation to chargeable advice, any person requesting advice for which a charge may be made pursuant to the definition of ‘chargeable advice’.

**‘Rejuvenation charge’** Is a charge applied to a development in the event that the file is to be re-opened to complete the project after the file has been closed by Building Control and the developer given prior warning. This may occur when the project stagnates for a significant length of time or where the developer fails to respond to requests for access for inspection, etc.

**‘Risk based inspection’** Means an inspection of a stage of building work based on an assessment of the risk of breach of the Building Regulations if an inspection is not carried out of the work defined in Regulation 16 of The Building Regulations 2010 (as amended).

## Section 2: Principles of the Scheme

The set charges or method of establishing the charges have been devised in this Scheme for the functions prescribed in The Building (Local Authority Charges) Regulations 2010 (referred to as 'the chargeable functions'), namely:

- a) A **Full Plans Charge**, payable when the Full Plans Application is given to the Council.
- b) A **Building Notice Charge**, payable when the Building Notice is given to the Council.
- c) An **Inspection Charge**, payable on commencement of the work when the first inspection has been carried out by Building Control
- d) A **Reversion Charge**, payable for building work in relation to a building:
  - Which has been part or substantially completed before plans are first deposited with the Council in accordance with Regulation 19 (2) of the Building Approved Inspectors etc.) Regulations 2010, or
  - Where a project is subject to a reversion process if an Approved Inspector is no longer able to discharge its proper function, or if an Initial Notice is canceled after a project has commenced, or
  - In respect of which plans for further building work have been deposited with the Council in accordance with regulations 19 (3) of the Building (Approved Inspectors etc.) Regulations 2010, on the first occasion on which those plans are or have been deposited;
- e) A **Regularisation Charge**, Is payable at the time of the application to the Council in accordance with Regulation 18 of The Building Regulations 2010; In most circumstances the Regularisation Charge is a non-refundable amount even if a Certificate of Regularisation can not be issued.
- f) **Individually Determined Charge**, charges for all applications are based on the unique situation of each application and are based on the estimated time that the Building Control Service will need to spend on the development from receiving of the application through to the issue of the completion certificate or equivalent.
- g) A **Supplementary Charge** may be payable when the Council is required to spend an amount of time beyond that which would be considered to be reasonable given the nature of the project, particularly where:
  - The developer has not sought appropriate and timely technical advice from appropriate persons, and/or,
  - The contractor is not suitably supervised and/or does not have the appropriate information to enable him to progress and/or is not suitably competent to undertake the work in a workmanlike and efficient manner, and/or,
  - The work is undertaken in such a manner that repeated site visits are required to see the same inspections on different parts of the work, such as dpc's where multiple extensions are involved, and/or,
  - Where repeated inspections are required before defects/contravening work is remedied, and/or,
  - Where the Council seeks repeated requests for access for inspection which are ignored, and/or,
  - Where on small domestic extensions, conversions to flats and new build houses a period of more than 12 months elapses between the commencement of site work and the issue of the completion certificate.
- h) **Chargeable advice**, for which the Council may make a charge for giving advice in the anticipation of the future exercise of their functions (i.e. before an application or notice is received for a particular project), which is payable after the first hour of advice and on demand only after the Council has given notice required by Regulation 7(7) of the

Building (Local Authority Charges) Regulations 2010 (i.e. the charge has been confirmed in writing following an individual determination). The charge can be discounted from a subsequent application or notice received for the work in question where the Building Control Manager considers this to be appropriate.

- i) The above charges are payable by the relevant person.
- j) Any charge that is payable to the Council may, in a particular case, and with the agreement of the Building Control Manager, be paid in installments of such amounts payable on such dates as may be specified by the Building Control Manager. If the applicant and Council are in agreement, an inspection charge may be fully or partly paid up-front with the plans charge.
- k) The charge for providing a chargeable function or chargeable advice is based on the principle of achieving full cost recovery. The charges are calculated by using the average hourly rate stated within the Scheme of Charges, multiplied by the time reasonably expected to be taken to carry out the function/advice. In estimating the time required by the Building Control Team to undertake the function/advice any of the following factors may be taken into account:
  - The existing use of the building and/or the proposed use or the building after completion of the building work
  - The different kinds of building work described in Regulation 3(1)(a) to (i) of the Building Regulations
  - The floor area of the building and/or extension
  - The nature of the design of the building work and whether innovative or high risk construction techniques are used
  - The estimated duration of the building work and the anticipated number of inspections to be made
  - The estimated cost of the building work
  - Whether a person who intends to carry out part of the building work is a person mentioned in Regulations 12 (6) or 20 of The Building Regulations 2010 i.e. related to competent persons/self-certification schemes or Approved Robust Details.
  - Whether the work consist of two or more buildings or building works all of which are substantially the same as each other
  - Whether the work consists of building work which is substantially the same as building work in respect of which plans have already been deposited or building works inspected by the same Council
  - Whether chargeable advice has been given, which is likely to result in less time being taken by a local authority to perform that function
  - Whether it is necessary to engage and incur the costs of a consultant(s) to provide specialist advice in respect of a particular aspect of the building work

- l) The Building Control Manager is authorised to devise a Scheme in respect of charges in relation to repetitive work to Social Registered Landlord owned dwellings on the basis of full cost recovery. Such a Scheme could typically be in respect of re-roofing, installation of solar panels, re-cladding, etc. Such a Scheme may or may not involve solely electronic notifications or other such terms as the Building Control Manager may decide to agree.

**Principles of the Scheme in respect of the erection of domestic buildings** Including extensions, garages and car ports

- a) Where the charge relates to the erection of a dwelling the charge includes for the provision of a detached or attached domestic garage or car port, providing it is constructed at the same time as the dwelling.
- b) Where any building work comprises or includes the erection of more than one extension to a building, the total of all such extensions shall be aggregated to determine the charge payable, provided that the building work for all aggregated extensions is carried out at the same time i.e. all foundation excavations undertaken at the same time, oversite preparations, dpc's, roofs, etc., are all undertaken at the same time on all of the extensions. In the event that the work does not progress simultaneously and the Council is faced with increased inspection time as a result, the project may be subject to a 'supplementary charge' at the discretion of the Building Control Manager or Principal Building Control Surveyor.

**Exemption from charges**

The Council has not fixed by means of its Scheme, nor intends to recover a charge in relation to an existing dwelling that is, or is to be, occupied by a disabled person as a permanent residence, and where the whole of the building work in question is solely:

- a) For the purpose of providing means of escape for the disabled person by way of entrance or exit to or from the dwelling or any part of it, or
- b) For the purpose of providing accommodation or facilities designed to secure the greater health, safety, welfare or convenience of the disabled person.

The Council has not fixed by means of its Scheme, nor intends to recover a charge for the purpose of providing accommodation or facilities designed to secure the greater health, safety, welfare or convenience of a disabled person in relation to an existing dwelling, which is, or is to be, occupied by that disabled person as a permanent residence where such work consists of:

- a) The extension or adaption of existing accommodation or an existing facility or the provision of an alternative accommodation or alternative facility where the existing accommodation or facility could not be used by the disabled person or could be used by the disabled person only with assistance; or,
- b) The provision or extension of a room which is or will be used solely:
  - For the carrying out for the benefit of the disabled person or medical treatment which cannot reasonably be carried out in any other room in the dwelling, or
  - For the storage of medical equipment for the use of the disabled person, or
  - To provide sleeping accommodation for a carer where the disabled person requires 24hr care.

- c) The Council has not fixed by means of its Scheme, nor intends to recover a charge in relation to an existing building to which members of the public are admitted (whether on payment or otherwise), and where the whole of the building work in question is solely:
- For the purpose of providing means of access for disabled persons by way of entrance or exit from the building or any part of it; or
  - For the provision of facilities designed to secure the greater health, safety or welfare of disabled persons.

### **Information required to enable charges to be determined**

Regulation 9 of The Building (Local Authority Charges) Regulations 2010 makes provision for the Council to request additional information from applicants to enable it to determine the correct charge for any building work. The Council may request additional information to be provided by the relevant person or their professional agent in support of their application to enable the appropriate charge to be calculated; such as:

- The floor areas of any new building, refurbished building or extension to a building affected by the proposed building work. The relevant floor area is the area within which the building work is to be carried out.
- The estimated cost of the building work. This must be the equivalent of a bona fide estimate including all materials and labour to undertake the building work including any profit and overheads and produced by a person or company in business to carry out such work i.e. the commercial value of the work excluding Value Added Tax.
- The programmed duration of the work and sequence of working. For all small domestic building work including new houses this is assumed to not exceed 12 months per unit from the commencement on site until the issue of the completion certificate.
- The nature of the building work and whether it is of an innovative and/or high risk nature requiring additional Building Control input.
- Details of the professional agent, designer or design team and the likely quality and timeliness of the application drawings, specifications and calculations.
- Details of the contractor to be engaged (if known) and the likely level of site supervision.
- Whether a government authorised 'Competent Person Scheme' or 'Robust Details Limited.' are to be used in respect of discreet elements of the work.

## **Establishing the Charge**

Any reference to a 'number of storeys' includes each basement level as one storey and floor areas are cumulative.

All applications will be individually determined in accordance with the principles and relevant factors contained within The Building (Local Authority Charges) Regulations 2010. If the Council considers it necessary to engage and incur the costs of a consultant to provide specialist advice or services in relation to a particular aspect of building work, those costs shall also be included in setting the charge.

The Council shall calculate the charge by using the hourly rate multiplied by the estimated time taken to carry out their Building Regulation functions in relation to that particular piece of building work and taking into account the application factors listed in Regulation 7(5) of the Building (Local Authority Charges) Regulations 2010.

When requested Individually Determined Charges will be confirmed in writing specifying the amount of the charge and the factors that have been taken into account in determining the charge.

## **Individually Determined Charges**

In accordance with Regulation 7(5) of the Building (Local Authority Charges) Regulations 2010 the Council has taken into account in establishing an Individually Determined Charge the following factors:

- a) An Hourly Rate of **£65.00 per hour excluding VAT**
- b) A calculation of the amount of time and Building Control input that a project is likely to require.
- c) the existing use of a building, or the proposed use of the building after completion of the building work.
- d) the different kinds of building work described in regulation 3(1)(a) to (i)(1) of the Building Regulations 2010.
- e) the floor area of the building or extension.
- f) the nature of the design of the building work and whether innovative or high risk construction techniques are to be used.
- g) the estimated duration of the building work and the anticipated number of inspections to be carried out.
- h) the estimated cost of the building work.
- i) whether a person who intends to carry out part of the building work is a person who is registered under a Competent Persons Scheme and able to self-certify that part of the work.
- j) whether in respect of the building work a notification will be made to confirm compliance with Part E Sound Resistance using an Approved Robust Detail.
- k) whether an application or building notice is in respect of two or more buildings or building works all of which are substantially the same as each other.
- l) whether an application or building notice is in respect of building work which is substantially the same as building work in respect of which plans have previously been deposited or building works inspected by the same local authority.
- m) whether chargeable advice has been given which is likely to result in less time being taken by the local authority to perform the chargeable function.
- n) whether it is necessary to engage and incur the costs of a consultant to provide specialist advice or services in relation to a particular aspect of the building work.

## **Other matters relating to the calculation of charges**

- a) In calculating charges, refunds or supplementary charges, the 'hourly rate' will be used.
- b) Any charge payable to the Council shall be paid with an amount equal to any Value Added Tax payable in respect of that charge.
- c) Charges are not payable for the first hour when calculating an advice charge.
- d) The Council may accept payment by Installments in respect of all building work where the total charge exceeds £1,000. The Council will consider the payment by installments following a written request, and if such an arrangement is agreed will specify the amounts payable and the dates upon which Installments are to be paid.

## **Reductions**

- a) Where 'chargeable advice' has been provided before the receipt of a Full Plans or Building Notice application which will enable economies of time to be made in the processing of that application, the Council will take this into consideration and reduce the Plans Charge or Building Notice accordingly.

## **Refunds and supplementary charges**

If the basis upon which the charge has been set or determined should change, the Council will either make a refund or request a supplementary charge. The Council will, upon request, provide a written statement setting out the basis of the refund or supplementary charge and also state how this has been calculated. In the calculation of the refund or supplementary charge no account will be made of the first hour of our time dealing with the project. Neither a refund nor a supplementary charge will be made where our time involved is less than one hour.

#### a) Refunds

- I. Requests for a refund on work undertaken must be made in writing or email and must state the reason for the request.
- II. Refunds can only be made in the event that the work undertaken required less time than was estimated at the time of the application being deposited and will only be considered at the satisfactory completion of a development once all completion certificates relevant to that project have been issued.
- III. Full Plans Charges and Building Notice Charges are not automatically refundable if the proposed work does not progress. Regularisation Charges are not refundable in the event that the Council is unable to issue a Regularisation Certificate due to: contraventions of Building Regulations existing on site; the unwillingness of the owner to open up work to enable proper inspection; where the owner of the property is unwilling or unable to undertake necessary corrective work.
- IV. A refund will not be offered where key stages for inspection, as identified in the council's acknowledgment of the application to the professional agent and/or applicant, have not been requested by the person carrying out the building work.
- V. A refund will include a deduction of £65 to take account of the costs incurred in the processing and administration of that refund.

#### b) Supplementary Charges

These may be applied in the following circumstances:

- I. Where the designer and/or contractor are not sufficiently competent to undertake the work and this results in the Building Control Team spending excessive time assisting with the design of the development and/or resolving issues that should normally be resolved by the applicant's professional advisers or contractor.
- II. Where we have to spend additional time as a result of changes to the design after the deposit of the application whether or not the application has been previously approved.
- III. Where a Competent Person Scheme or Robust Details Limited are not used in respect of discreet areas of work, such as domestic electrical installations, replacement glazing, domestic boiler replacement/installations, etc., where the applicant has previously declared on the application form or deposited drawings or other documents that such Competent Person Scheme(s) will be used.
- IV. Where on any project the Council requires professional advice relating to discreet areas of the Building Regulations where the expertise is not available from within the Building Control Team, such as structural engineering, fire engineering, acoustic engineering, thermal engineering, electrical inspection and testing, etc.
- V. Where information, including the provision of compliance certificates, or information relating to the discharge of conditions is not forthcoming at the appropriate time and significant additional time is spent chasing this information.

#### **Rejuvenation Charge**

A Rejuvenation Charge may be considered as a supplementary charge.

Typical situations where this would be justified would include where the developer has ignored requests for access for inspection on a slow moving project or no final inspection was requested and the development is now more than three years beyond the commencement inspection.

### **Non payment of a charge**

Attention is drawn to Regulation 8(2) of The Building (Local Authority Charges) Regulations 2010 which explains that plans are not regarded as being deposited for the purposes of Section 16 of the Building Act or Building Notices given unless the Council has received the correct charge. In other words, relevant timescales do not start until the agreed payment has been made.

Non payment of the inspection charge may result in a separate debt recovery process being instigated and may mean that the Council could defer the issue of a Completion Certificate.

### **Complaints about charges**

If you have a complaint about the level of charges you should initially raise your concerns with a relevant surveyor or Building Control Manager. The Council has a comprehensive complaints handling and monitoring process. If you consider that your complaint is not satisfactorily responded to by the surveyor or Building Control Manager, details of how to resolve your complaint are available on request or can be viewed on the Council's website at [www.northnorthants.gov.uk](http://www.northnorthants.gov.uk)