

BUILDING CONTROL ENFORCEMENT POLICY

Introduction

The primary function of the Building Control service is to help protect people's health and safety in the built environment. This involves, among other things, enforcing the Building Act 1984, the Building Regulations and other allied legislation, the London Building Acts (Amendment Act) 1939 (or superseding similar legislation) and Building Safety Act 2022. In so doing, we aim to enforce in an equitable, practical and consistent manner.

Purpose and scope

The purpose of the Building Control Enforcement Policy is to explain the ways in which this particular service will enforce its powers. The policy sets out what business and others affected by its regulatory responsibilities can expect from the service and assists staff in applying enforcement powers. The policy applies to all Building Control staff with enforcement responsibilities relating to the service areas and actions set out below.

Service Standards

The basic standards of customer service are set out in the leaflet, "Building Control Customer Charter", is available via the Council's web site. Building Control also has a policy statement identifying the sequence of functions associated with service to be assessed for an order of priority if resources dictate such a judgment should be made. This judgment would be conducted on the basis of building use risk.

In regard to enforcement, the general standards and procedures applicable to the Building Control service areas are as follows:

Building Regulations

Contraventions can occur as part of works in progress, at the completion of building works or from external notification.

The service will endeavour to:

For deposited applications in accordance with the Building Control Policy statement:

- (i) Respond to requests for inspection within one working day.
- (ii) Carry out routine inspections where resources allow.
- (iii) Maintain adequate records to show when and what works were inspected, the results of the inspection and any remedial action considered necessary.



- (iv) When errors have not been corrected and a contravention of the Building Regulations exists, communicate clearly to the owner, builder and agent identifying the problem and the measures which may need to be taken to achieve compliance.
- (v) Initiate court proceedings when necessary, after satisfying ourselves that there is sufficient admissible evidence and that proceedings would be in the public interest.

For works in progress in accordance with the policy statement:

If oral communication relating to works in progress is unsuccessful, communication will take place in writing. Any oral communication will be recorded in site notes.

For all other unauthorised work relating to Building Regulations in accordance with policy statement:

- (i) Within three working days of a report of a possible contravention of the Building Regulations being received or established on site an officer will visit the site to assess the situation.
- (ii) Ensure that any visiting officer produces identification.
- (iii) Ensure that the officer will provide in a clear manner and will endeavour to make the legal position as clear as possible.
- (iv) Ensure that the officer will make the owner and builder fully aware of the next steps to be taken by them and the local authority.
- (v) Send a letter within three working days of the officer's visit explaining all relevant courses of action to be taken and any timescales involved.
- (vi) Where required, allow fourteen days in which to deposit a Building Regulations application.
- (vii) Initiate court proceedings wherever necessary, only after satisfying ourselves that there is sufficient admissible evidence and that proceedings would be in the public interest.

Dangerous Structures

The service will:

For all dangerous structures undertake an assessment in respect of the appropriate procedure to be followed.

Imminently dangerous structures require immediate action. We will initially attempt to contact the owner and give them an opportunity to carry out the necessary work. If this is not possible, the Council will carry out works in default. Within 3 working days a written confirmation of the works carried out and any further responsibilities of the owner (or other interested party) will be sent. In some instances a Dangerous Structures Notice may be served. The decision regarding the most appropriate course of action will be a matter of professional judgment made by the Surveyor attending the incident. Non-compliance with a Notice could result in Court action.