



**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
16 NOVEMBER 2021**

**SUBJECT: BUILDING STANDARDS ANNUAL PERFORMANCE REPORT
2021/22**

**BY: DEPUTE CHIEF EXECUTIVE: ECONOMY, ENVIRONMENT AND
FINANCE**

1. REASON FOR REPORT

1.1 This report presents the Building Standards Annual Performance Report for 2021/22, covering the reporting period 1 April 2020 to 31 March 2021 for the Moray Council.

1.2 This report is submitted to Committee in terms of Section III (E) (4) of the Council's Scheme of Administration relating to exercising the functions of the Council under Building Regulations.

2. RECOMMENDATION

2.1 It is recommended that the Committee:-

- (i) note the Building Standards Annual Report (Appendix 1);**
- (ii) note the Building Standards Annual Report will be used by the service in terms of demonstrating they continue to meet the operating and performance framework for the appointment as a Verifier for the geographical area of Moray; and**
- (iii) note the Building Standards Annual Report 2021/22 will be made available to all designers, developers, stakeholders, and internal services seeking comment/feedback to assist with continuous improvement to be fed back into the annual report for 2022/23.**

3. BACKGROUND

3.1 Verifier function

Scottish Minister's re-appointed all 32 Scottish Local Authorities as Verifiers under section 7 of the Building (Scotland) Act 2003 from 1 May 2017. The period of appointments differed for individual local authorities depending on their past performance. This ranged from (six years, three years or one year)

Moray Council was re-appointed in 2017 as the building standards verifier for the Moray geographical area for 3 years until 30th April 2020. The service then gained a 6 year appointment from 1st May 2020 to 30th April 2026. The only verifier to secure this level of appointment at the time.

- 3.2 This re-appointment requires the building standards service to verify the design and construction of building work for compliance with Building Regulations and Technical Building Standards and to satisfy the demands of the Scottish Government's performance framework for verifiers.
- 3.3 The Building (Scotland) Act 2003 (the Act) and associated legislation set out the role of Verifiers in the Scottish building standards system. Their primary function is to protect the public interest by providing an independent check of applications for building warrant to construct or demolish buildings, to provide services, fittings or equipment in buildings, or to convert buildings. This includes checking during the design phase before granting a building warrant and checking during the construction phase before accepting a completion certificate.
- 3.4 Verifiers are appointed by Scottish Ministers under section 7(1)(a) of the Act. Regulation 30 of the Building (Procedures) (Scotland) Regulations 2004 requires that, before making an appointment of a verifier, the considerations to which Scottish Ministers shall have regard to shall include Qualifications; Competence; Accountability to the public; and Impartiality.
- 3.5 **Performance framework**
The appointment awarded was conditional on the verifiers meeting the [Operating Framework 2021 - External link](#) and the [Performance Framework 2021 - External link](#) (These documents are also uploaded to the CMIS system for background information). This includes satisfying Scottish Ministers that we are meeting, and continue to meet, performance measures.
- 3.6 Verifiers are expected to operate under the Building Standards Verification Performance Framework which covers three main perspectives – Professional Expertise and Technical Processes; Quality Customer Experience; and Operational and Financial Efficiency. There are three cross-cutting themes of Public Interest, Continuous Improvement and Partnership Working. The framework is supported by a range of key performance outcomes contained within the Performance Framework.
- 3.7 The service will be subject to regular monitoring and periodic inspection by Scottish Government.
- 3.8 **Building Standards Verification - Annual Verification Performance Report**
As part of the performance framework, the Scottish Government has required all verifiers to publish an annual performance report from 1st May 2017. This replaced the previous Balanced Scorecard and Continuous Improvement Plan and is to include previous year's performance data and targets.
- 3.9 The annual performance report submitted for 2021/22 is attached at **Appendix 1** and follows the template issued by Scottish Government.

3.10 A full summary of performance is attached at **Appendix 2** covering the last 3 years. This shows how the key performance outcomes have changed over the period. An extract is provided below to highlight the performance over the 2019 to 2022 period.

Summary of performance against Key Performance Outcomes & Targets - 2019 Q1 to 2022 Q2

KPO	2019/20				2020/21				2021/22	
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2
1.1 95% of first reports (for building warrants and amendments) issued within 20 days – all first reports (including BWs and amendments issued without a first report).	97.83%	98.65%	100%	98.48%	95.49%	98.04%	97.88%	97.52%	98.37%	97.64%
1.2 90% of building warrants and amendments issued within 10 days from receipt of all satisfactory information – all building warrants and amendments (not including BWs and amendments issued without a first report).	96.88%	98.99%	100%	100%	86.49%	95.83%	92.21%	87.21%	86.55%	85.81%
4.1 Minimum overall average satisfaction rating of 7.5 out of 10	7.6	7.6	8.0	8.0	8.0	8.0	7.7	7.7	7.7	7.7
5.1 Building standards verification fee income to cover indicative verification service costs (staff costs plus 30%).	97.84%	118.38%	116.82%	125.71%	94.50%	95.68%	122.73%	140.13%	94.08%	80.64%

3.11 First response has been consistently green over the last 3 years. Recent months shows a reduction in percentage of building warrants issued within 10 days. Most recently the service has been working with absence of an officer due to long term sickness and also difficulty recruiting following retirement of an experienced officer.

The customer satisfaction rating dropped slightly last year however remained above the national average.

Service cost figure is influenced by fees for applications coming into the service. 2020/21 Q3 and Q4 for example is influenced by increased application numbers prior to changes in regulations. The average over the period above is 108%. The fluctuations represent the variations year on year with the number and also the scale of applications with larger fees for larger more complex applications, therefore it is unlikely this indicator will ever show as a green.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The 10 year plan's top priority is a growing, diverse and sustainable economy. It covers business, employment, infrastructure, public services and developing sustainable communities. Delivering the annual performance report and improving the building standards service is a vital aspect of supporting and facilitating the Council's priority for economic growth and supports the Service Plan to deliver service improvements.

(b) Policy and Legal

Preparation of the annual performance report is a responsibility for all building standards services in meeting the performance framework for verifiers as part of our terms of appointment and preparation must follow a template and timescale.

(c) Financial implications

There are no direct financial implications arising from this current report. However, there are financial risks associated with the annual performance report in future years with specific emphasis likely to be placed on average timescales for determining building warrant applications and completion certificates.

The Scottish Ministers have powers to give verifiers directions of a general or specific character as to the exercise of their functions under the Building (Scotland) Act 2003. This intervention would come when a building standards service is not meeting, or have not been, satisfactorily performing in terms of the agreed terms of appointment. Demonstrating that the building standards service meets or exceeds the requirements of the outcomes and framework is vital in retaining the appointment for the geographical area of Moray.

(d) Risk Implications

The appointment in 2020 was conditional on the service meeting the Operating Framework and the Performance Framework. This includes satisfying Scottish Ministers that we are meeting, and continue to meet, performance measures. The annual performance report is key to demonstrating how we meet the frameworks and how continuous

improvement is being achieved. Risk of not meeting our terms of appointment is that we are not appointed as verifiers or the period of appointment is reduced.

(e) Staffing Implications

The preparation of the annual performance report utilises existing staff resources and there are currently no staffing resource implications arising from this report but close monitoring of performance will be required to ensure adequate staff resources are available to maintain current performance levels and make further improvements to meet our obligations as a verifier.

Any significant increases in building warrant applications would likely impact on performance but would depend on their complexity. Any cut in current staff resources would have a significant impact on the delivery of an efficient, adequately resourced building standards service which is a key objective of the Scottish Government supporting economic prosperity across Scotland and also protecting the health, safety and welfare of people in and around buildings.

(f) Property

None.

(g) Equalities/Socio Economic Impact

There are no equalities issues arising from this report.

(h) Consultations

Depute Chief Executive (Economy, Environment & Finance),
Head of Development Services, Legal Services Manager, Lissa Rowan,
(Committee Services Officer), Equal Opportunities Officer, the
Development Management and Building Standards Manager

5. CONCLUSION

- 5.1 The Building Standards Annual Performance Report demonstrates that continuous improvements have been made and lay down the foundations for development of the service so improvements continue following a period of restructuring. This years report will provide a framework for service delivery for the building standards team, service users and demonstrates that the service has a programme to put measures in place to deliver a high quality service as required by Scottish Ministers.**

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Background Papers: Appendix 1 & 2
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