

**UPDATE REPORT ON BUILDING STANDARDS VERIFIER STATUS
FROM HEAD OF PLANNING AND REGULATORY SERVICES**

1. SUMMARY

- 1.1 To advise members that Scottish Government Ministers are considering proposals on the appointment of building standard verifiers to issue building warrants certificates.
- 1.2 To seek Council support for the reappointment of Local Authorities to carry out the verifier role

2. RECOMMENDATIONS

Members are asked to:

- 2.1 agree to make representations to Scottish Ministers and CoSLA in support of the reappointment of Scotland's 32 Local Authorities as sole verifiers for their geographical areas.
- 2.2 support any proposals not to extend the verifier role outwith Local Authorities.
- 2.3 support the Scottish Association of Building Standards Managers (SABSM) campaign to retain the verifier role, acting on behalf of all 32 Local Authorities.

3. BACKGROUND

3.1 Legislation

Scottish Ministers are due to consider a report from the Scottish Government's Building Standards Division (BSD) on the appointment of verifiers under the Building (Scotland) Act 2003. As a result of the 2003 Act the role of processing Building Warrant and Completion Certificate applications is no longer necessarily an exclusive Local Authority function. A verifier is appointed to that role by Scottish Ministers and legislation allows the verifier role to be undertaken by both the public and private sector. It is understood that the report to the Scottish Ministers by the BSD will take the form of an options appraisal following their consultation with "all interested parties".

3.2 Verifier Appointment

Under the current agreement Scottish Ministers appointed Local Authorities as sole verifiers for determining applications for Building Warrants and Completion Certificate submissions for a period of 6 years for work in their own geographical area. This appointment expires on 30 April 2011. This "duty" on Councils came into force on 1 May 2005 and was a continuation of the responsibilities first placed on Councils in 1959. This work has brought in a significant income to Scottish Local

Authorities, amounting to approximately £74million over the last 3 financial years and Argyll and Bute Council's income amounts to £2.4 million for the same period.

3.3 Building Standards Income and Expenditure

Below find a table of Building Standards Income and Expenditure which is based on that shown in our local Financial Return. This table shows that Building Standards income has for the period 2007-10 covered its direct costs and made a contribution towards support services. It should be noted that this year has seen a steady rise in the number of applications and fees received bringing Building Standards income back up to 2007-8 levels.

Building Standards 2007-2010				
Summary of Expenditure and Income				
	2007-8	2008-9	2009-10	Total
	£000's	£000's	£000's	£000's
Direct Costs	852	805	792	2,449
Support Services	359	351	400	1,110
Gross Expenditure	1,211	1,156	1,192	3,559
Income	928	734	795	2,457
Net Expenditure	283	422	397	1,102

If the sole verifier status of Argyll & Bute's Building Standards is lost then the Council could lose not only some or all of its fee income but potentially the £167k annually it receives in Grant Aided Expenditure (GAE) This GAE is based on the number of building warrant applications processed by the authority as a percentage of those processed nationally.

4. CONSIDERATIONS

4.1 The Work of the Scottish Association of Building Standards Managers (SABSM)

SABSM has contributed an appendix to the BSD report highlighting the case for the permanent reappointment of Local Authorities as sole verifiers. This appendix, however, represents only part of the work SABSM has been carrying out with the support and commitment from all 32 Local Authorities. SABSM has also produced a separate full submission paper to be presented to Scottish Ministers. South Ayrshire Council's Building Standards Manager holds the position of Chair of the SABSM Working Group that produced the submission for the Scottish Minister and has consequently been very involved with this work and fully endorses the content. The full submission paper has been prepared by SABSM following extensive consultation with the BSD and other stakeholders and was submitted to the Minister for Transport, Infrastructure and Climate Change, Stewart Stevenson MSP on Monday 27th September 2010. A copy of the full

SABSM paper is available in the Members' Lounge, an electronic version is available on request and a copy of the Executive Summary is attached to this report.

4.2 Private Sector Interest in the Verifier Role

Several bodies interested in the appointment of verifiers have discussed the verifier role with the BSD. These include the NHBC (National House-Building Council), HfS (Homes for Scotland), SPF (Scottish Property Federation), and RICS (Royal Institution of Chartered Surveyors).

4.3 Criteria for Appointment of Verifiers

The SABSM paper sets out the achievements of Local Authorities and there are convincing reasons why Local Authorities should remain the sole verifiers to protect the public interest and provide an independent check for Building Warrants and Completion Certificates. In particular, Local Authorities are best placed to meet the 4 statutory criteria for the appointment of verifiers:

- a. qualifications;
- b. competence;
- c. accountability to the public; and,
- d. impartiality

For example, Local Authority verifiers are impartial because they:

- are always driven by "public service" and not self interest;
- provide a service to all - loss making applications, complex and low fee applications, building warrants for the disabled, technical / procedural advice and enquiries;
- do not cherry pick;
- have no conflict of interest;
- have no commercial interest / commercial pressures;
- enjoy public accountability;
- enjoy political accountability;
- carry out transparent peer reviews where areas of self interest arise; and,
- are subject to external review, audit and assessment of performance and service delivery.

4.4 Local Authority Verifier Links

There are clear links between the Local Authority verifier role and the economy, protection of the public interest and continuous improvement and development. In addition, there are important and unique links with other public services by promoting joint working, acting in the best public interest and providing locally delivered services with a local customer and knowledge base.

4.5 The Local Authority Verifier in the Future

Extensive work has been done to identify current and proposed future development and continuous improvement work to drive the Local Authority verifier service forward into the future. SABSM has set out National and local customer needs and performance outcomes that are fit for the future with the aim of providing comfort to Scottish Ministers to support the continuation of a Local Authority appointment without a limit of time. As a result Local Authorities will continue to be best placed to deliver a rounded Building Standards service in the public interest and re-appointment will mean that verifiers will:

- listen to and react to customers;
- frame services on customer needs;

- drive change and improvement based on national and local outcomes; and,
- act nationally to protect the public interest.

5. CONCLUSION

Local Authorities are best placed to deliver the verifier role for Scottish Ministers and there is a compelling case to support the campaign to urge Scottish Ministers to reappoint Scotland's 32 Local Authorities as sole verifiers without limit of time, subject to satisfactory performance monitoring.

6. IMPLICATIONS

Policy	None
Financial:	Should Argyll and Bute Council not be appointed as sole verifier for Argyll and Bute there will be a resultant loss of Building Warrant fee income.
Personnel:	Any ensuing loss of fee income may result on the viability of retaining existing staff numbers
Equal Opportunity:	None

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For further information contact: Martin Matheson, Building Standards Manager.

Background Paper

The submission to the Scottish Minister by SABSM (Scottish Association of Building Standards Managers) titled "The Case for the Appointment of Local Authority Verifiers".