

Lincs Building Consultancy Enforcement Policy

FOREWORD

This Enforcement Policy clearly illustrates a structured approach to the way that Lincs Building Consultancy intends to deal with Building Control enforcement. The principles of proportionality, consistency and transparency are considered vital and are embedded into a procedure that delivers a prompt and effective response.

The policy reflects the level of service that the public and business sector expects Lincs Building Consultancy to deliver.

Through an effective inspection and monitoring regime, together with a proactive approach to the early resolution of breaches of Building Regulations, formal enforcement under the provisions of the Building Act is rare. Through close liaison with other internal and external development agencies a co-ordinated approach will be made to enforcement.

The Building Control Enforcement Policy re-affirms our commitment to procedures that are fair and consistent, and one that is followed in a practical manner taking into account 'The Good Practice Guide' associated with the Enforcement Concordat, which we have committed our self to.

INTRODUCTION

Lincs Building Consultancy sets objectives from the National Building Control Performance Standards Service, and our own Customer Charter, which set out definitive inspection regimes to provides a prompt, thorough and effective delivery of the service in a proactive manner. This is aimed at ensuring compliance with the legislative requirements of Building Regulations without recourse to formal enforcement action. It will also facilitate prompt and effective liaison with other Council Services, such as Planning, Conservation, Environmental Health and outside agencies such as Highways, Fire Brigade, Police, Service Utilities and Environment Agency.

STATEMENT OF INTENT

Lincs Building Consultancy will strive wherever possible to ensure compliance with Building Regulations through informal processes using verbal and/ or written advice/ notification.

The ultimate aim is to discharge the Council's Statutory Duties with regard to Building Regulations as laid down in the Building Act, 1984, and to have regard to allied legislation.

Using a Development Team approach we will aim to avoid conflicts with the legislative requirements of other Council Sections, and other outside agencies wherever possible, and seek to achieve a solution that is both acceptable to all parties and deemed to satisfy legislative requirements.

BUILDING CONTROL ENFORCEMENT ARRANGEMENTS

Overall responsibility for Building Control enforcement rests with the Team Leader with delegated powers through the Principal Consultant Surveyor. Where necessary Surveyors, will initiate informal enforcement action and follow through to compliance. The support of the Principal Consultant Surveyor and possibly the

Team Leader will arise where formal action is required providing guidance, ensuring co-ordination with all other interested parties and monitoring of progress and procedures.

SCOPE OF ENFORCEMENT FUNCTION

Building Control Services will pay due regard to the following in exercising its statutory duties-:

Building Act, 1984, Building Regulations, 2010

1. Failure to comply with a Notice served under the provisions of the Building Act, 1984 or failure to comply with the requirements of the Building Regulations is an offence. Whether there is a need to take formal enforcement action immediately to protect the health, safety and welfare of the public and the environment is a matter of discretion, tact and degree. Other informal processes are available, which together with appropriate remedial measures may resolve matters equally well without recourse to legal action.
2. The level of action taken will be proportional to the impact and extent of the breach on the public and the environment.
3. If informal methods fail to resolve the matter, formal action should follow without delay following procedural guidance laid down.
4. It should be noted that failure to administer effective action where appropriate, following procedural guidance and good practice, could result in a charge of maladministration on the Council.
5. Those officers charged with enforcement responsibilities are trained in line with the professional institutes requirements and will receive further training in line with legislative changes to ensure that their duties are discharged diligently and with regard to Policy, procedures laid down and to the principles of 'Good Enforcement Practice'.

RELEVANT LEGISLATION

BUILDING ACT, 1984. Sections 35 & 36 Breach of Building Regulations.

BUILDING REGULATIONS, 2010.

Part III, Regulation 18. Regularisation of un-authorized building works.

Part X, Regulation 47. Contravention of certain regulations not to be an offence.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT, 1976. Section 16, Requisition for Information.