

Report to Portfolio Holder for Growth and Regeneration

Subject: Demolition Fees and Charges April 2021

Date: 07 April 2021

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Wards Affected

Borough-wide

Purpose

To seek approval to charge for the recovery of costs incurred by Gedling Borough Council Building Control whilst dealing with the demolition of non-exempt structures (buildings greater than 50m³).

Recommendation

- a) To approve the introduction of a £300 fee to recover the costs associated with administering and controlling the demolition functions within Gedling Borough and for its introduction from 01 April 2021

Key Decision

This is not a Key Decision

Background

- 1.1 The process of administering and controlling the demolition of buildings that are not exempt is provided by Gedling Borough Council Building Control using the powers under Sections 81-83 of the Building Act 1984.
- 1.2 Building Control administers this legislation so that buildings are demolished in a safe and workmanlike manner and any nuisance is kept to a minimum. This also ensures that all relevant Public Bodies and Statutory Undertakers (gas, electric and water) including adjacent and adjoining owners whom may be affected are notified.

- 1.3 No charges are currently levied for this part of the Building Control service. Given the significant amount of professional and administrative effort involved in terms of consultation, liaison and checking of schedules/plans, along with potential site visits, it is proposed that a charge of £300 is applied to this service.
- 1.4 Numerous other Local Authorities throughout England are currently charging for this service and this is also reflected when demolition contractors, upon their initial contact to Building Control, enquire if there is a charge for such services when proposing to carry out clearance works within the Borough.
- 1.5 Section 93 of the Local Government Act 2003 provides the Council with the general power to charge for discretionary services where there is no such statutory duty to provide for the service and no specific charging powers. However, such charges can only be imposed on cost recovery on the basis that in return for payment of the fee proposed for the provision of such a demolition notice the applicant is guaranteed to receive a section 81 counter notice whereas otherwise they might or might not, at the Authority's discretion.

Proposal

- 2.1 It is proposed that from 01 April 2021 a fee of £300 is applied to a demolition application to cover the costs associated with administering and controlling the demolition of non-exempt buildings. This figure is based on the current Building Control hourly rate of £65.92 which derives from The Building (Local Authority Charges) Regulations 2010.

Alternative Options

- 3.1 To continue to provide Section 81 Demolition Notices free of charge.

Financial Implications

- 4.1 Applying the proposed demolition Fees and Charges detailed in this report will increase discretionary income and contribute to achieving the 21/22 efficiency income target.
- 4.2 Appendix 1 provides statistical information on volumes of Section 80 demolition applications received by Gedling Building Control over the last six years. The costs for operating this service are currently met within existing budgets. It is estimated that the charge would recover approximately £6,000 per year dependant on the number of applications and the economic climate. If the proposed charge is accepted the resultant additional income can be positively used to support the future delivery of the Building Control services.

Legal Implications

- 5.1 Section 80 of the Building Act requires a person who intends to demolish the whole or part of a building to notify the local authority, and comply with the requirements which the local authority may impose. The local authority may, by notice, (S81) require a person undertaking demolition to carry out certain works protect neighbouring properties and take such steps in connection with the demolition as are necessary for the protection of the public and the preservation of public amenity.

Equalities Implications

- 6.1 There are no known equalities implications relating to the process of administering and controlling the demolition of buildings.

Carbon Reduction/Environmental Sustainability Implications

- 7.1 As part of the demolition application process the demolition contractor should provide a risk assessment and method statement. The main purpose of the method statement is to ensure that the inevitable impact of the demolition work on local residents, businesses and other sensitive users in the vicinity is kept to a minimum by ensuring that all relevant issues relating to the works are taken into consideration at the outset allowing appropriate mitigation measure to be identified and implemented where necessary.
- 7.2 The method statement is checked to ensure the following principals are considered;
- The site
 - Sequence of demolition
 - Control of dust and dirt
 - Control of noise and vibration
 - Waste / Recycling
 - Programme and Working Hours
 - Access and Traffic Movement
 - Considerate Contractor Scheme

Appendices

- 8.1 Appendix 1 – Demolition Application Statistics

Background Papers

- 9.1 None identified.

Reasons for Recommendations

- 10.1 To contribute to the delivery of a balanced budget in 2021/22 and in future years, and to satisfy statutory requirements.