

COMMUNITY SAFETY AND HOUSING PORTFOLIO DECISION SCHEDULE



Thursday 16 June 2011

at 10.30 am

in Committee Room C, Civic Centre, Hartlepool

The Mayor, Stuart Drummond responsible for Community Safety and Housing will consider the following items.

1. KEY DECISIONS

No items

2. OTHER ITEMS REQUIRING DECISION

- 2.1 Update on Locally Listed Buildings and Proposed Independent Selection Panel – *Assistant Director (Regeneration and Planning)*
- 2.2 HSE and BCA Working Together for Health and Safety in Construction – (An Agreement for Co Operation Between the Health And Safety Executive and the Building Control Alliance in England and Wales) – *Assistant Director (Regeneration and Planning)*
- 2.3 Building Control - Charging for Gas Inspection – *Director of Regeneration and Neighbourhoods*

3. ITEMS FOR INFORMATION

- 3.1 Regeneration and Neighbourhoods Departmental Plan Monitoring Report - April 2010 to March 2011 – *Director of Regeneration and Neighbourhoods*

COMMUNITY SAFETY AND HOUSING PORTFOLIO

Report to Portfolio Holder
16 June 2011



Report of: Assistant Director (Regeneration and Planning)

Subject: UPDATE ON LOCALLY LISTED BUILDINGS
AND PROPOSED INDEPENDENT SELECTION
PANEL

SUMMARY

1. PURPOSE OF REPORT

This report is to update the Portfolio Holder on the progress being made on compiling a list of Locally Significant Buildings, and to agree the members of the independent panel to take part in the selection process to determine a final list.

2. SUMMARY OF CONTENTS

The report outlines the background to the local list. It summarises the public consultation that has taken place and the progress made compiling the draft list. It proposes an independent panel compiles the final list and requests agreement of the membership of that panel.

3. RELEVANCE TO PORTFOLIO MEMBER

Conservation falls within this Portfolio.

4. TYPE OF DECISION

Non – key decision.

5. DECISION MAKING ROUTE

Portfolio Holder meeting on 16th June 2011.

6. DECISION REQUIRED

That the Portfolio Holder notes the progress made with the draft list of locally listed buildings and agrees to the proposed independent selection panel.

Report of: Assistant Director (Regeneration and Planning)

Subject: UPDATE ON LOCALLY LISTED BUILDINGS
AND PROPOSED INDEPENDENT SELECTION
PANEL

1. PURPOSE OF REPORT

- 1.1 This report is to update the Portfolio Holder on the progress being made on compiling a list of Locally Significant Buildings, and to propose the members of the independent panel to take part in the selection process to agree a final list.

2. BACKGROUND

- 2.1 Hartlepool has some 200 listed buildings. These are properties which have been designated by the Government as structures which are of 'special architectural or historic interest'. Nominations for potential listed buildings are considered by English Heritage who make a recommendation to the Government on the potential to list a property. The Department for Culture Media and Sport (DCMS) considers this recommendation and will, if it deems appropriate, list the building.
- 2.2 Central Government also encourages Local Authorities to compile local lists of buildings in their area which are architecturally or historically significant. Locally listed buildings are not of national significance and do not have the same statutory protection, however they may merit local protection because, for example, they are the work of a local architect or have a link to a locally significant historical figure which, although not nationally noteworthy, nevertheless make a contribution to the local sense of place. These buildings are sometimes omitted from the national list by the Secretary of State or English Heritage because the view is that there are better examples elsewhere within the country. Some characteristics of buildings may, however, be rare within Hartlepool or may display important local distinctiveness which makes up the town's heritage.
- 2.3 Planning Policy Statement 5: Planning for the Historic Environment defines a heritage asset as 'A building, monument, site, place, area or landscape positively identified as having a degree of significance meriting consideration in planning decisions.' These can include 'assets identified by the local planning authority during the process of decision-making or through the plan-making process (including local listing).'

- 2.4 Details of the criteria which will be used to compile the local list are attached in **Appendix 1** along with the timetable for the work.

3 UPDATE ON PROGRESS COMPILING A DRAFT LIST

- 3.1 Members of the public and interested parties such as Parish Councils and Residents Associations were invited to nominate buildings across Hartlepool that they thought were significant. The period of consultation ran from November 2010 until the end of January 2011. Nominations were accepted via e-mail and in writing. Seventy-two nominations were received for buildings and land throughout Hartlepool.
- 3.2 These nominations have been placed on a draft list along with nominations that have been identified as part of the work carried out appraising the eight conservation areas. In addition surveys of the town were also carried out to cover buildings which are located outside conservation areas. Over 250 nominations are included on the draft list.
- 3.3 Officers are now working through this list compiling a description for each nomination, examining background information, photographing the site where possible and plotting each site on a location plan.
- 3.4 All of the properties will be contacted directly to make owners and occupiers aware that their building has been nominated and inviting them to make any comments. Their comments will be presented alongside any material considered relevant for selecting the buildings to be placed on a final list.

4 SELECTION OF AN INDEPENDENT PANEL TO DETERMINE FINAL LIST

- 4.1 It is proposed that the selection of buildings will be carried out by an independent panel. The panel will comprise individuals with specialist knowledge in the field of conservation, architecture or history.
- 4.2 Conservation Officers from Tees Valley Authorities have been invited to sit on the panel. Officers from this Authority have carried out a similar role for both Middlesbrough and Stockton and it is anticipated that this will be reciprocated by officers from those Authorities.

- 4.3 It is suggested that a representative of the Conservation Area Advisory Committee sits on the panel to provide input from local groups and amenity societies. This matter was discussed at the meeting of the Committee in March and it was agreed that the representative for the Victorian Society should be nominated to take part in the selection process.
- 4.4 Local history groups and individuals with an interest in local history have been approached and Steve Robbins, who has carried out research into the history of Hartlepool and regularly leads guided walks in the town, has offered to sit on the selection panel.
- 4.5 To ensure that there is no conflict of interest it is proposed that if any representative on the panel has nominated a building for the list they would not be able to take part in the discussions on that building or the final decision on including that building on the list.

5 RECOMMENDATION

- 5.1 That the Portfolio Holder notes the progress made with the draft list of locally listed buildings and agrees to the proposed independent selection panel.

6. CONTACT OFFICER

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Appendix 1

Defining a locally important building

The statutorily listed buildings can be all sorts of structures including telephone boxes, walls and gates as well as what we all recognise as buildings. In addition there is also a statutory process which recognises parks and gardens. It is proposed that when considering locally important buildings these definitions are combined and therefore the list will not be limited to buildings but will include other streetscape structures along with parks and landscapes.

Assessment Criteria

The proposed assessment criteria that will be used;

- **Design merit:** is it the work of a particular architect or designer of regional or local note? Does it have qualities of age, style or distinctive characteristics relative to the area? Does it have landmark quality? Is it characterful and time-honoured or locally-valued
- **Historic interest:** does it relate to an important aspect of local, social, economic, cultural, religious or political history; does it have an historic association with an important local feature?
- **Historic association:** does it have close associations with famous local people (must be well documented); does it relate closely to any statutorily protected structure or site?
- **Survival:** does it survive in a substantial and recognisable form; are historic features and layout still present; does it represent a significant element in the development of the area?
- **Layout:** is it part of a planned layout that has remained substantially intact e.g. a terrace or a square?
- **General:** does it provide an important visual amenity?

Timetable for process of compiling local list

| | |
|------------------------------|--|
| November 2010 – January 2011 | Nominations invited |
| February 2011 – April 2011 | Officers compile list and verify information |
| May / June 2011 | Property owners notified and comments invited Draft list finalised and published |
| July 2011 – September 2011 | Expert panel select final list and owners and occupiers contacted and invited to make final comments |
| October 2011 – November 2011 | Final list taken to Planning Committee and Portfolio Holder |

COMMUNITY SAFETY AND HOUSING PORTFOLIO

Report to Portfolio Holder
16 June 2011



Report of: Assistant Director (Regeneration and Planning)

Subject: HSE AND BCA WORKING TOGETHER FOR HEALTH AND SAFETY IN CONSTRUCTION – (AN AGREEMENT FOR CO OPERATION BETWEEN THE HEALTH AND SAFETY EXECUTIVE AND THE BUILDING CONTROL ALLIANCE IN ENGLAND AND WALES).

SUMMARY

1. PURPOSE OF REPORT

- 1.1 To update the Portfolio Holder of an agreement signed between the Building Control Alliance (BCA) and the Health and Safety Executive (HSE) and its impact on the Councils Building Control section.
- 1.2 The signed agreement and co-operation between the two bodies is to promote and encourage improved standards of health and safety in construction throughout England and Wales.

2. SUMMARY OF CONTENTS

- 2.1 Construction is one of Britain's most dangerous industries. Over the last 25 years, 2800 construction workers have died in work related incidents. Despite a welcome reduction in fatal construction accidents in recent years, a large number of construction workers still die, suffer major injury or serious ill health as a result of their work.
- 2.2 This report provides details of an agreement signed between the Health and Safety Executive (HSE) and the Building Control Alliance (BCA) aimed at improving the inspection regime and the role the Council can play in this through its Building Control Service.

- 2.3 As Building Control professionals regularly visit sites it is thought that they are in an excellent position to raise awareness and to promote good health and safety practice to on construction sites during the course of their inspections. This agreement therefore creates a mechanism for Building Control professionals to discharge their professional duty of care in a simple and straightforward manner by working closely with HSE colleagues. It does not change a duty holder's responsibility to protect workers health and safety but has created an opportunity to get potentially life saving advice to those responsible for health and safety standards on construction sites.

3. RELEVANCE TO PORTFOLIO MEMBER

- 3.1 The Portfolio Holder has authority in relation to the Building Control function

4. TYPE OF DECISION

- 4.1 Non-Key

5. DECISION MAKING ROUTE

- 5.1 Portfolio Holder meeting

6. DECISION REQUIRED

- 6.1 That the Portfolio Holder formally adopts the proposed new agreement and Building Control puts into practice its part in the scheme.

Report of: Assistant Director (Regeneration and Planning)

Subject: HSE AND BCA WORKING TOGETHER FOR HEALTH AND SAFETY IN CONSTRUCTION – (AN AGREEMENT FOR CO OPERATION BETWEEN THE HEALTH AND SAFETY EXECUTIVE AND THE BUILDING CONTROL ALLIANCE IN ENGLAND AND WALES).

1. PURPOSE OF REPORT

- 1.1 To update the Portfolio Holder of an agreement signed between the Building Control Alliance (BCA) and the Health and Safety Executive (HSE) and its impact on the Council's Building Control section.
- 1.2 The signed agreement and co-operation between the two bodies is to promote and encourage improved standards of health and safety in construction throughout England and Wales.

2. BACKGROUND

- 2.1 Construction is one of Britain's most dangerous industries. Over the last 25 years, 2800 construction workers have died in work related incidents. Despite a welcome reduction in fatal construction accidents in recent years, a large number of construction workers still die, suffer major injury or serious ill health as a result of their work.
- 2.2 On Friday 17th September, 2010 the Health and Safety Executive (HSE) signed an agreement with the Building Control Alliance (BCA), in a bid to work more closely to improve health and safety standards in the construction industry. A copy of this agreement is in **Appendix A**.
- 2.3 The BCA represents Building Control professionals responsible for ensuring compliance with Building Regulations, whether in Local Authorities or the private sector, and the professional bodies that accredit them. The organisations represented by the BCA are Local Authority Building Control (LABC); the Association of Consultant Approved Inspectors (ACAI); the Royal Institute of Chartered Surveyors (RICS); the Chartered Institute of Building (CIOB) and the Association of Building Engineers (ABE).

- 2.4 The agreement sets out how HSE and Building Control professionals are expected to work more closely. It is an example of how everyone involved in the construction industry can spread the health and safety message by providing health and safety advice to the construction industry and especially to the hard to reach small construction sites where the majority of fatal accidents take place.
- 2.5 A press release by the HSE and the BCA stated that the “agreement does not change a duty holder’s responsibility to protect workers health and safety but has created another opportunity to get potentially life saving advice to those responsible for health and safety standards on construction sites.” A copy of the press release is in **Appendix B**.
- 2.6 It is thought that Building Control professionals are ideally placed to raise the awareness of health & safety issues on construction sites during the course of their regular site inspections. This agreement creates a mechanism for Building Control professionals to discharge their professional duty of care in a simple and straightforward manner by working closely with HSE colleagues.

3. PROPOSALS / OPTIONS

- 3.1 Subject, to a further consultation with the legal section it is proposed that the Councils Building Control section carry out this additional duty in line with the agreement between the HSE and BCA.

4. RISK IMPLICATIONS

- 4.1 As Building Control surveyors are not fully trained HSE members there may be some limitations, especially with some of the finer HSE rules and regulations. Although generally Building Control surveyors do not have full knowledge of HSE Rules and Regulations their general health and safety knowledge is seen as sufficient to enable a more positive approach to improve health and safety on building sites. At present no additional training is expected or has been offered by either the HSE or BCA.
- 4.2 The Council’s insurance provider has been consulted on this matter and the response is included in the **Appendix C** of this report. It is confirmed that by meeting the requirements will not cause any issues with Building Control insurance cover.
- 4.3 The Council’s commercial legal solicitor has also been consulted and it is confirmed that this agreement will not cause any legal issues. The response is included in **Appendix D**.

5. FINANCIAL CONSIDERATIONS

- 5.1 It is not expected that input in this area will have a significant impact on the Building Control service and costs. As Building Control is in a very competitive industry any additional costs passed onto customers could result in some loss of trade.
- 5.2 The Council will monitor of any additional input and from this to consider such cost implications as part of service delivery. It is hoped that any additional operating costs will be negligible, however if this is not the case the Building Control charges will be reviewed.

6. RECOMMENDATION

- 6.1 That the Portfolio Holder formally notes the information and additional responsibilities associated with the agreement.

7. REASON FOR RECOMENDATION

- 7.1 This is seen as a positive step to improve site safety across the country and to reduce the number of injuries and fatalities.

8. CONTACT OFFICER

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WORKING TOGETHER FOR HEALTH AND SAFETY IN CONSTRUCTION

**AN AGREEMENT
FOR COOPERATION BETWEEN
THE HEALTH AND SAFETY EXECUTIVE (HSE) AND
THE BUILDING CONTROL ALLIANCE (BCA) IN
ENGLAND AND WALES**

INTRODUCTION

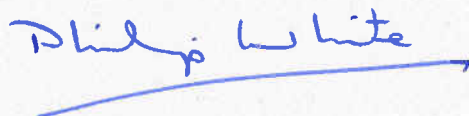
This document establishes an agreement between the Health and Safety Executive (HSE) Construction Division (CD), and the Building Control (BC) bodies represented by the Building Control Alliance (BCA¹), to work together in England and Wales to promote and encourage improved standards of health and safety in construction. The agreement relates specifically to BC professionals² while at work as BC Surveyors or Approved Inspectors employed by organisations that are members of BCA.

This agreement is not intended to impose any responsibilities on BC Professionals in addition to their professional duty of care as conferred by their professional bodies' Codes of Conduct (etc.), but to establish a mechanism and arrangements to assist them to discharge their existing responsibilities.



Diane Marshall

Chair, BCA



Philip White

Chief Inspector of Construction, HSE

¹ The organisations represented on BCA are: Local Authority Building Control (LABC); the Association of Consultant Approved Inspectors (ACAI); the Royal Institution of Chartered Surveyors (RICS); the Chartered Institute of Building (CIOB) and the Association of Building Engineers (ABE).

² This term is used throughout this document to refer to anyone carrying out their duties as BC Surveyors or Approved Inspectors who work for organisations that are LABC, ACAI or BCA members

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| Annex 2: Guidance on matters for which HSE may not be the Enforcing Authority. | |
| Annex 3: Suggested format for report of health and safety concern to HSE. | |

BACKGROUND

1. Construction is Britain's biggest industry. It is also one of the most dangerous. In the last 25 years, over 2,800 people have died from injuries they received because of construction work. Many more have been injured or made ill. The rate of injuries and fatalities has improved, particularly since 2001, but there is still a need for further improvement. In recent years, around two thirds of fatal accidents in construction have occurred on small sites.
2. Inspectors in HSE's Construction Division are responsible for enforcing health and safety legislation on construction sites. Inspectors visit sites to conduct inspections, investigate accidents and complaints, provide advice and information to dutyholders and take enforcement action where necessary, either by serving Improvement or Prohibition Notices or through prosecution.
3. BC professionals in England and Wales, both those in the Local Authority (LA) Sector and those working in the Private Sector as Approved Inspectors, are responsible for inspecting building works to secure compliance with Building Regulations. BC professionals are in an excellent position to help promote improvements in health and safety for those working in the construction sector, particularly on small sites, which HSE inspectors find most difficult to target.

SCOPE

4. This Agreement covers the provision of information on construction health and safety to clients, designers and contractors and the arrangements for handling concerns about health and safety standards on site. It is not intended that it should extend BC professionals' existing duty of care. Nor does it affect the existing responsibilities of dutyholders, including clients and contractors under health and safety legislation: in particular under the Construction (Design and Management) Regulations 2007 for maintaining safe working conditions on site.
5. The Agreement does not preclude the establishment of local agreements. Appropriate representatives of HSE (CD) and BC professionals may agree detailed local arrangements for working cooperatively, at county or regional level.
6. The following paragraphs set out areas in which the representatives of the signatory organisations can work together:

PROVIDING INFORMATION

7. Where BC professionals using their professional judgement identify that industry stakeholders with whom they are in contact would benefit from information on construction health and safety, they should provide that information wherever possible, or advise them where it can be found (e.g. through websites etc.) if they are unable to do so.

8. HSE (CD) will make available relevant construction health and safety information and guidance material, either for inclusion on LABC, ACAI or BCA websites, or through links to material on HSE's website, or in the case of printed leaflets, by providing details of how to obtain them.

DEALING WITH HEALTH AND SAFETY CONCERNS

Providing advice

9. BC professionals while at work have a professional duty of care. The membership regulations and associated guidance of the BCA's representative Professional Institutions: RICS, CIOB, and ABE reinforce the existence and scope of this duty of care. All these Institutions, albeit with differing emphasis, specify the need for BC professionals to address health and safety risk as part of this duty.
10. When visiting sites to carry out their professional duties, BC professionals may come across dangerous or poor working practices, presenting health and safety risks to workers or to the public. Such risks should be drawn to the attention of the person in control of the site or another responsible person.

Reporting Serious Concerns

11. For the purposes of this Agreement, any matter creating a risk of serious personal injury or ill health to workers or the public which comes to the attention of BC professionals is defined as a ***matter of evident concern*** (MoEC). Where MoECs come to the attention of BC professionals on sites they are visiting as part of their professional duties, they should bring them to the attention of the person in control of the site, where they are able to do so. If they cannot do so, if they consider this is inappropriate, or where the response to such an approach is not satisfactory, they should report the MoEC to HSE, providing HSE is the relevant enforcing authority (EA). Annex 1 provides some examples of situations, often found on small or medium sized sites that give rise to MoECs. Annex 2 provides examples of matters for which HSE is not the EA.
12. The Agreement is only applicable where BC professionals are at work and performing their duties on site. Although they may also choose to notify HSE of MoECs observed while they are **not** at work on site, if they consider that is appropriate, this would fall outside the scope of the Agreement.

Reporting Arrangements

13. HSE Regional Complaints Handling Teams now deal with all complaints, including those from BC professionals. Arrangements have been made to ensure that reports of MoECs from BC professionals will be identified and given full consideration. Guidance to enable BC professionals to ensure that such reports are identified and dealt with appropriately is contained in Annex 3. It is anticipated that reports of MoECs originating from BC professionals will be reviewed by an HSE CD Inspector. Where specific local arrangements for contacting HSE Complaints Handling Teams are not in place, MoECs can be reported through the general HSE contact number provided to the public: 0845 345 0055.

14. If a BC professional reporting a MoEC, requests them to do so, HSE Complaints Teams will reply, advising them of the action taken or proposed. HSE will normally reply within 10 days or sooner, although in some cases it may take longer.

Confidentiality

15. HSE will treat any information from complainants confidentially, subject to normal rules on disclosure in the event of any ensuing legal proceedings and HSE's obligations to comply with the Data Protection Act 1998, the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. As a matter of policy, HSE is always concerned to protect the identity of complainants.

ASSISTANCE TO HSE

16. BC professionals may assist HSE (CD) by providing information on construction work, where they are able to do so. Where HSE (CD) is investigating complaints about construction site conditions received by HSE from other sources, this could involve BC supplying information on the project, together with any information they have about health and safety standards arising from work on site.

ASSISTANCE TO BUILDING CONTROL PROFESSIONALS

17. Where they are able to do so, HSE (CD) will provide up-to-date guidance and information for BC professionals to distribute on site, if they consider it would be appropriate. If required, HSE (CD) will also provide information about construction projects, to assist or support any enforcement action LAs may be undertaking.
18. Where resources permit and both parties agree it would be appropriate, HSE (CD) will carry out joint visits with BC professionals from time to time, for familiarisation, to encourage mutual understanding and foster appreciation of health and safety risks.
19. If there is an identified need, HSE (CD) will provide training/briefing for BC professionals e.g. on personal health and safety on construction sites or to provide an overview of the CDM Regulations. This training/briefing may be delivered in a variety of formats to suit local conditions and may be determined by available resource.

STRUCTURAL SAFETY

20. Where LABC members have an enforcement role in relation to structural safety, LABC and HSE (CD) may also establish local arrangements for joint working and inspections over structural safety issues, where there may be joint enforcement responsibilities. ***Such arrangements will fall outside the complaints handling procedure (see Paragraph 13 above)***

Annex 1:

Examples of matters of evident concern from construction activities

- **Working from scaffolds without guardrails, on roofs without edge protection, on fragile roofs or near fragile roof lights or near large openings in floors/ground** - risk of falling from height
- **Working in unsupported deep excavation** - risk of sides of excavation collapsing, asphyxiating or striking workers inside excavation
- **Structural elements of building removed with poor or no temporary support** - risk of building collapse (*joint action with BC may be appropriate as HSE has no power to put right, only to prohibit work activity if serious risk is clear*).
- **Exposure to asbestos fibres when asbestos insulation, boarding (other than asbestos cement sheeting) or sprayed coating is being damaged/removed without an enclosure or clear segregation** - risk of lung cancer (long term)
- **No site barriers and brick or concrete debris falling or being thrown down to public areas** - risk of public being struck by lumps of material
- **Site left open/poorly fenced and evidence of children accessing scaffolding at height or approaching dangerous opening** - risk of children falling
- **Exposed electrical conductors, damaged cables or electrical equipment in poor condition** - risk of electrocution
- **Uncontrolled ignition sources (e.g. smoking or hot works) and unsafe storage of significant amounts of combustible/flammable materials (especially highly flammable liquids and cylinders of flammable gas)** – risk of fire
- **Inadequate fire safety, including no fire alarms, poor, blocked or no means of escape, fire fighting equipment obstructed or missing, (especially of concern when associated with uncontrolled ignition sources/combustible materials etc)** – risk of entrapment in event of fire
- **workers sleeping on site within building under construction** – risk of entrapment in event of fire

N.B. it is advisable for BC professionals to assess health and safety risks of any inspection in connection with approval of Building Regulation work, particularly where it involves a risk of a potential fall from height, collapse of an excavation or building or personal contamination by asbestos.

Further information may be obtained from the Information Document: **Smaller Building Projects: Health and Safety**, which is intended for use by BC professionals, as well as other LA regulatory staff who visit construction sites, to assist them in identifying matters of evident concern, as well as issues relating to personal health and safety³.

³ It is appreciated that BC professionals will be familiar with certain of the hazards outlined in the Information Sheet (e.g. structural collapse). However, these have been included for completeness, as others such as Environmental Health Officers for whom this information is also intended, may well not be.

Annex 2

Guidance on construction concerns for which HSE may not be the Enforcing Authority

HSE may not be the appropriate Enforcing Authority for all concerns arising from construction work, for example:

- Where a householder is undertaking a self-build and is either working alone, or with only relatives or friends helping, unless there is evidence of employment (i.e. that someone is being paid) HSE will have no powers.
- Nuisance dust and noise affecting the public is a matter for the LA Environmental Health/Environmental Protection Department.
- Highways Departments will have shared responsibilities for scaffolds constructed over footpaths/roads (which require a licence) and work on the highway.
- Work on railway premises is a matter for the Office of Rail Regulation: [ORR address and telephone details](#)

Annex 3

Suggested format for report of health and safety concern to HSE

To enable the HSE recipient of a report of serious health and safety concerns from a BC professional to deal appropriately and speedily with the concerns, it is suggested that the information below should be provided.

- identity of the person reporting concerns, sufficient to identify them as a BC professional;
- details of the nature of concern, (together with any action the reporter may have taken to rectify the situation);
- name of the contractor undertaking the work or failing that the architect, client or other duty holder (e.g. CDM coordinator) who should be able to identify the contractor;
- fullest possible details of site address;
- digital photographs, if it is possible to take them at a safe distance, as these can be emailed to HSE and help identify the problem;

The following example is a report format for concerns including sufficient information to enable them to be dealt with appropriately:

| | |
|--|---|
| <i>Person making report:</i> | <i>by name or position</i> |
| <i>Operating protocol:</i> | <i>specify the national or local agreement</i> |
| <i>Organisation:</i> | <i>LABC or AI contact details (post or email address/telephone numbers)</i> |
| <i>Nature of concern:</i> | <i>Example: Workers (5) on a flat roof with no edge protection and potential to fall about 5 metres.</i> |
| <i>Past or immediate action taken: (Particularly any action taken to prevent the need to make this report)</i> | <i>Example: They have been advised of this in the past and provided with information but still continue to work unsafely. The site manager has been informed again today.</i> |
| <i>Name of contractor/architect/client/other duty holder:</i> | <i>Include contact details</i> |
| <i>Site address:</i> | <i>Include post code</i> |
| <i>Photographs:</i> | <i>If yes, how many and dates taken</i> |

Appendix B – Joint press release from HSE and BCA
Working together for health and safety in construction

HSE & BCA sign new agreement to improve Health and Safety on construction sites

By [admin](#)

Wednesday, September 22nd, 2010

New agreement to improve Health and Safety on construction sites

The Health and Safety Executive (HSE) has today, Friday 17 September, signed an agreement with the Building Control Alliance (BCA), in a bid to work more closely to improve health and safety standards in the construction industry.

The agreement, which was signed at 11.00 today, at the Construction Industry Council's Offices in London, sets out how HSE and building control professionals will cooperate to help and support each other, for example in providing health and safety advice to the construction industry, but clearly distinguishes their separate regulatory roles and responsibilities.

The BCA represents those Building Control professionals responsible for ensuring compliance with Building Regulations, whether in Local Authorities or the private sector, and the professional bodies that accredit them. Building Control professionals regularly visit sites and are in an excellent position to promote good health and safety practice to duty holders.

Philip White, HSE's Chief Inspector of Construction, signing on behalf of HSE said:

"This agreement clearly sets out how HSE and BCA members can work more closely together. It is a further example of how everyone involved in the construction industry can spread the health and safety message, especially to the hard to reach small sites where the majority of fatal accidents take place.

"Today's agreement does not change a duty holder's responsibility to protect workers health and safety but has created another opportunity to get potentially life saving advice to those responsible for health and safety standards on construction sites."

Diane Marshall, Group Head of Building Control at NHBC who signed the agreement as Chair of BCA said:

"Building Control professionals are ideally placed to raise awareness of health & safety issues on construction sites during the course of their inspections. This agreement creates a mechanism for Building Control professionals to discharge their professional duty of care in a simple and straightforward manner by working closely with our HSE colleagues."

Construction is one of Britain's most dangerous industries. Over the last 25 years, 2800 construction workers have died. Despite a welcome reduction in construction fatal accidents in recent years, a large number of construction workers still die or suffer major injury or serious ill health as a result of their work.

The founding bodies of the BCA are:
Royal Institution of Chartered Surveyors (RICS)
Chartered Institute of Building (CIOB)
The Association of Building Engineers (ABE)
Local Authority Building Control (LABC), and
The Association of Consultant Approved Inspectors (ACA)

Appendix C – Email response from Paul Hamilton – Insurance policy

Having read through the enclosed documents I do not believe these pose any additional risks to you or your colleagues whilst undertaking your statutory functions. The words cooperate/advise I believe makes this change preferable to all involved and not mandatory. I think generic advice on safety comes from many sources and I am sure during your normal daily activities if you come across situation when individuals are working in a dangerous manner then you would point this out to them. I think all this agreement does is formalise what probably already exists. I can see no reason for the current policies to not operate.

Regards

Paul

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Appendix D – Email response from Kate Watchorn Commercial Solicitor – Legal response

The Agreement does not extend building control professionals' existing duty of care. Nor does it affect the existing responsibilities of duty holders under health and safety legislation (in particular under the Construction (Design and Management) Regulations 2007 for maintaining safe working conditions on site). The Agreement simply provides guidance on how to report a risk. The Agreement does not cover a situation where a building control professional does not report a health and safety risk i.e. there is no fine or threat of legal challenge.

The Agreement aims to promote good practice in relation to building control professionals' existing duty of care.

Thanks
Kate

Kate Watchorn
Commercial Solicitor
Legal Division

Direct Dial: 01429-523480
Extension: 3480
Email: kate.watchorn@hartlepool.gov.uk

COMMUNITY SAFETY PORTFOLIO

Report to Portfolio Holder
16 June 2020

Report of: Director Regeneration

Subject: BUILDING CONTROL
INSPECTION

SUMMARY

1. PURPOSE OF REPORT

1.1 To update the Portfolio Holder in relation to the Building Control charge to allow for the proposed changes to the Building Control charge.

5. DECISION MAKING ROUTE

5.1 Portfolio Holder meeting on 16

6. DECISION REQUIRED

6.1 That the Portfolio Holder formal
Control Charge for inspecting g
from building regulations in ord

Report of: Director Regen

Subject: BUILDING CONTROL
INSPECTION

1. PURPOSE OF REPORT

- 1.1 To update the Portfolio Holder in relation to the Building Control charge to allow for the inspection of work and clear conditions for buildings regarding to gassing protection measures for exempt buildings.

2. BACKGROUND

- 2.1 Planning Services require gas protection (gas protection membrane) to be provided for buildings to properties built on voided sites. These sites require suitable gas

3. PROPOSALS/OPTIONS

- 3.1 It is proposed for Building Control to charge a fee of £50 to cover a site inspection to assess the suitability.
- 3.2 It will be the property owners responsibility to liaise with Building Control by completing the Planning application approved by the Council to use this service but it is felt that the current market charges.
- 3.3 Building Control will report direct findings for appropriate action by the Council.

4. RISK IMPLICATIONS

- 4.1 The Council's insurance provider will be asked to cover the cost and such inspections. This insurance cover is renegotiated annually.

5. FINANCIAL CONSIDERATIONS

8. CONTACT OFFICER

Garry Hutchison MRICS
Building Control Manager
Regeneration & Neighbourhoods
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Hartlepool
TS24 7BT

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E-mail: garry.hutchison@hartlepool.gov.uk

Planning Services Gassing condition/obligation Request for Building Control inspection (DOMESTIC ONLY)



Building Control Section, Hartlepool Borough Council, Regeneration and Neighbourhoods,
Bryan Hanson House, Hanson Square, HARTLEPOOL, TS24 7BT Tel: (01429) 523289 Fax: (01429) 523599
Email: building_control@hartlepool.gov.uk Web: <http://www.hartlepool.gov.uk/buildingcontrol>

1. APPLICANT

The person on whose behalf the work is being carried out (usually the buildings owner).

| | | | |
|------------|----------------------|-------|----------------------|
| First name | <input type="text"/> | Title | <input type="text"/> |
| Surname | <input type="text"/> | | |
| Company | <input type="text"/> | | |
| Address | <input type="text"/> | | |
| | <input type="text"/> | | |
| Postcode | <input type="text"/> | | |
| Tel / Fax | <input type="text"/> | | |
| Email | <input type="text"/> | | |

2. AGENT

The person acting on behalf of the applicant (this may be a builder or plan drawer / architect).

| | | | |
|--|----------------------|-------|----------------------|
| | <input type="text"/> | Title | <input type="text"/> |
| | <input type="text"/> | | |
| | <input type="text"/> | | |
| | <input type="text"/> | | |
| | <input type="text"/> | | |
| | <input type="text"/> | | |
| | <input type="text"/> | | |
| | <input type="text"/> | | |

3. ADDRESS OF BUILDING TO WHICH WORK RELATES

| | | | |
|---------|----------------------|----------|----------------------|
| Address | <input type="text"/> | Postcode | <input type="text"/> |
|---------|----------------------|----------|----------------------|

4. PROPOSED WORK (e.g. Conservatory, porch etc)

| | | | |
|---|----------------------|--------------------------|-----------------------------|
| a. Description | <input type="text"/> | | |
| b. Have construction details been submitted to Planning Services for the gas membrane | Yes | <input type="checkbox"/> | No <input type="checkbox"/> |

5. DATE OF COMMENCEMENT

Please provide a date for the Gas membrane inspection (if known)

Please note :

If not known it is your responsibility to ensure inspections of the work are booked and carried out.

Work must be inspected prior to covering the gas membrane.

You must give at least 48 hours notice for the first inspection then 24 hours thereafter.

Tel: (01429) 52 3299 to book an inspection.

6. STATEMENT

This notice for request of a Gas membrane inspection is given in relation to the inspection of an appropriate gas membrane to clear a Planning condition / obligation and the payment of **£50** is included.

Please note: This payment is in addition to the Planning Services discharge of conditions fee as appropriate

| | | | | | |
|------|----------------------|-----------|----------------------|------|----------------------|
| Name | <input type="text"/> | Signature | <input type="text"/> | Date | <input type="text"/> |
|------|----------------------|-----------|----------------------|------|----------------------|

7. IMPORTANT INFORMATION TO NOTE:

- Building Control surveyors will not be checking the foundations for suitability for loading purposes in this instance as the building work is exempt from the Building Regulations.
- This inspection is only being carried out in order to clear a particular Planning condition imposed by Planning Services;
- On successful installation 'All' documentation will be issued directly to the Planning Services section to clear the outstanding condition relating to the gas membrane protection measures as agreed with Planning Services.
- If not already submitted to Development control the construction details showing the full design, location and installation details of the gas membrane must be attached to this form.

Planning Services Gassing condition/obligation Request for Building Control inspection (Domestic only)

The Council's Building Control Section offer an inspection service to clear Planning conditions / obligations relating to the provision of suitable gas membrane for your development.

By using this service we will check the provided gas membrane is suitable and correctly installed and the Development Control section will receive a report to enable them to clear their condition / obligation.

The cost for this service is £50 including VAT and covers the inspection and production of relevant paperwork for Development Control. Please note that this cost is in addition to any charges that Planning Services may charge.

If you wish to use this service then please complete the form over page, provide the relevant construction details and return together with the payment of £50.

Should you wish to discuss this further please do not hesitate to contact the Building Control section tel direct: 52 3289

G. Hutchison
Building Control Manager

OFFICE USE ONLY – Gas Membrane inspection charge:

| | | | | | |
|--------|--------|-------|-------|-------|--------|
| Charge | £41.67 | + VAT | £8.33 | TOTAL | £50.00 |
| | | | | | |

COMMUNITY SAFETY AND HOUSING PORTFOLIO

Report to Portfolio Holder
16 June 2011



Report of: Director of Regeneration and Neighbourhoods

Subject: REGENERATION AND NEIGHBOURHOODS
DEPARTMENTAL PLAN MONITORING
REPORT - APRIL 2010 TO MARCH 2011

SUMMARY

1. PURPOSE OF REPORT

To inform the Portfolio Holder of the progress made against the Regeneration and Neighbourhoods Departmental Plan 2010/11.

2. SUMMARY OF CONTENTS

The progress against the key actions and performance indicators, along with latest position with regard to risks contained in the Regeneration and Neighbourhoods Departmental Plan 2010/11.

3. RELEVANCE TO PORTFOLIO MEMBER

The Portfolio Holder has responsibility for performance management issues in relation to some aspects of the Regeneration and Neighbourhoods Departmental Plan, covering those areas which fall within the scope of this portfolio.

4. TYPE OF DECISION

Non-key.

5. DECISION MAKING ROUTE

Portfolio Holder meeting on 16 June 2011

6. DECISION REQUIRED

The Portfolio Holder is requested to note the year end position of key actions and performance indicators along with the latest position with regard to risks.

Report of: Director of Regeneration and Neighbourhoods

Subject: REGENERATION AND NEIGHBOURHOODS
DEPARTMENTAL PLAN MONITORING
REPORT - APRIL 2010 TO MARCH 2011

1. PURPOSE OF REPORT

- 1.1 To inform the Portfolio Holder of the progress made against the Regeneration and Neighbourhoods Departmental Plan 2010/11.






2. BACKGROUND

- 2.1 The Portfolio Holder has responsibility for performance management issues in relation to some aspects of the Regeneration and Neighbourhoods Departmental Plan, covering those areas which fall within the scope of this portfolio.
- 2.2 The Departmental Plan sets out the key tasks and issues along with an Action Plan to show what is to be achieved by the Department in the coming year.
- 2.3 The Council's Covalent performance management system is used for collecting and analysing performance data in relation to both the Corporate Plan and Departmental Plans. The system is also used to monitor Risk Management across the council as part of the Performance Management Framework.
- 2.4 Where appropriate more detailed service plans are also produced detailing how each individual section contributes to the key tasks and priorities contained within the Regeneration and Neighbourhoods Departmental Plan and ultimately those of the Corporate Plan. These plans are managed within the department.

3. FOURTH QUARTER PERFORMANCE






- 3.1 This section looks in detail at how the Department has performed in relation to the key actions and performance indicators that were included in the Regeneration and Neighbourhoods Departmental Plan 2010/11.

- 3.2 On a quarterly basis officers from across the Department are requested, to provide an update on progress against every action and performance indicator contained in the performance plans.
- 3.3 Officers are asked to provide a short commentary explaining progress made to date, and asked to traffic light each action based on whether or not they will be, or have been, completed within target as set out in the plans. The traffic light system is: -

-  Completed
-  On track
-  Progress acceptable
-  Intervention required
-  Target not achieved

- 3.4 Within the Departmental Plan there are a total of 55 actions and 24 performance indicators for which the Portfolio Holder has responsibility. Table 1, below, summarises the progress made, to the 31st March 2011, towards achieving these actions.

Table1 – Regeneration and Neighbourhoods Departmental Plan 2010/11 progress summary

| | Departmental Plan (Community Safety and Housing Portfolio) | |
|---|--|------|
| | Actions | PI's |
|  | 52 | 15 |
|  | - | - |
|  | 2 | 1 |
|  | - | - |
|  | 1 | 7 |
| Annual | - | 1 |
| Total | 55 | 24 |

- 3.5 It can be seen from the above table that 52 of the actions for which the Portfolio has responsibility have been highlighted as being completed with a further action progressing within acceptable limits.
- 3.6 Amongst those actions highlighted as being completed are:

- The production of a revised tree strategy.

- Delivery of environmental initiative to schools resulting in 36 gaining or progressing towards eco schools status as well over 500 pupils attending workshops themed on the environment. In addition information in regard to littering has been given to over 1200 pupils.
- The provision of affordable housing in developments at Seaton Lane, Charles Street and Kipling Road have all been completed ahead of time.
- An evaluation on the impact of Safe in Tees Valley Assertive Outreach Service has been undertaken resulting in recommendations to increase referrals to other service providers, and to increase linkage with police.
- The development of the alcohol harm reduction strategy with the annual plan approved through Cabinet and SHP Executive.

3.7 Two of the actions, have been identified as progressing within acceptable limits.

- Complete the Climate Change Adaptation Strategy and deliver associated actions, which has been completed as a draft document with approval being sought from Cabinet.
- The implementation of the empty homes action plan, has been delayed due to the post not being filled until April. The outstanding parts of this action will be completed by June.

3.8 The remaining action has been identified as target not achieved, this being:

- Prepare Draft Compact action plan for 2011/12, which has been delayed due to the rapidly changing Government agenda, and the impacts this has had on the Voluntary and Community Sector. A report is expected to be produced June 2011, that will take into account these impacts and the current political/policy climate.

3.9 It can also be seen that 15 of the Performance Indicators have been highlighted as being 'Completed' with 1 indicator highlighted as progressing within acceptable limits.

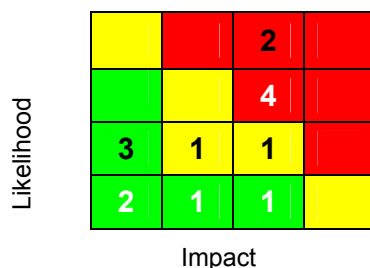
3.10 Information in relation to the indicator progressing within acceptable limits, Change in the number of drug users recorded as being in effective treatment, will not be available until ratification by the National Treatment Agency in July. Indication would however suggest that we are likely to achieve the target set.

3.11 Seven indicators have been identified as below target, two of which have previously been reported to the Portfolio Holder. The remaining five indicators are detailed below:

| Indicator Ref | Indicator Description | Outturn | Target | Comments |
|---------------|--|---------|--------|---|
| LAA H P001 | Number of private dwellings empty for over 6 months brought back into use | 53 | 63 | A total of 53 properties had been brought back into use by the end of the year, which represents a significant increase in the number of properties brought back into use over the previous year, as a result of actions taken by the Council. |
| RPD P011 | Housing Advice Service: Preventing Homelessness (BVPI 213) | 10.05 | 12.00 | During Qtr4 a further 93 households were prevented from becoming homeless giving an annual total of 372 which is short of our projected target however this target was extremely challenging and has proved more so due to the current financial climate. |
| NI 185 | CO2 reduction from local authority operations | -1 | -7 | Although the final outturn is not yet known, it is expected that it will shown a reduction around 1%. The target set for this indicator took into account the work to be carried out to schools through the BSF programme and as this programme is now no longer going ahead the inspirational target set of a 7% reduction per year will not be met. In addition the severe weather experienced during November, December and January produced high then average energy usage for this period. |
| NSD P081 | Percentage of people who think litter and rubbish in the streets is a problem in their area (Neighbourhood | 53% | 44% | 52 % of residents still feel that litter is a problem, however this is a 10% improvement on the last survey result. |

| Indicator Ref | Indicator Description | Outturn | Target | Comments |
|--------------------|---|---------|--------|---|
| | Renewal Narrowing the gap) | | | |
| LAA Env P001 | Number of Volunteer days spent working on nature conservation | 658 | 735 | The number of volunteer days is somewhat below target. This is largely due to staffing changes with the HBC countryside wardens. However other partners appear to be increasing their work with vols and the appointment of two Access to Nature officers to work in the Council's countryside team starting in April 2011 should increase the outcome for this indicator over the next three years of that project |

- 3.12 It is the policy of Hartlepool Council to take an active and pragmatic approach to the management of risks that could prevent the achievement of corporate and departmental objectives. On a quarterly basis responsible officers assess the risks identified within the Department's Risk Register.
- 3.13 The diagram below shows the current distribution of risks according to their risk rating as at the 31st March 2011, with a full review of the risk register currently being undertaken across the authority.
- 3.14 There are six departmental risks relevant to this portfolio which are identified as being a high red rated risk. These risks are detailed in the table below.



| Risk | Comments |
|--|---|
| RPD R009 - Failure of service providers to focus resources on disadvantaged areas | Significant in - year funding cuts has led to a reduction in resources for delivery of community regeneration activities. Details of government policy on Big Society including White Paper still awaited but level of future funding and delivery mechanisms remain uncertain |
| RPD R013 - Reduction in funding for Housing Investment | Housing Capital investment funding has been substantially reduced in the recent comprehensive spending review. Further work is required to identify any funding streams available for housing capital investment. |
| RPD R038 - Inability to meet very high levels of local housing needs including affordable housing | This risk remains high particularly in view of the recession and the numbers of people on the housing waiting list. Work is ongoing to facilitate the development of new affordable homes and 82 new affordable homes have been delivered by the Council alone in 2010/11. |
| RPD R039 - Failure to achieve national decent home standard in the private sector | This remains a risk particularly in light of the recession and the reduction in funding overall following the comprehensive spending review. Work is ongoing to identify potential funding pots and as part of the affordable housing programme were taking to Registered Providers about bringing empty homes back into use and also talking to the HCA about the potential £100 million pound pot available for empty homes and a potential empty homes pilot project. |
| RPD R042 - Effective delivery of housing market renewal affected by external decisions and funding | The level of risk for funding of the Council's Housing Market Renewal programme has increased. Housing Market renewal funding has been cut by central Government through the comprehensive spending review. Full funding has been secured for the Perth Street area scheme and a regional growth fund bid has been submitted for the Carr/Hopps regeneration area. Further work is required to identify potential funding routes to complete the HMR programme in the town. |
| RND R015 - Failure to secure funding for delivery of empty homes strategy | Empty homes officer to take up post on 1st April. Some funding identifies for project on Baden street. Work ongoing with other Tees valley authorities to obtain funding from HCA. |

4. RECOMMENDATION

- 4.1 The Portfolio Holder is requested to note the year end position of key actions and performance indicators along with the latest position with regard to risks.

5. CONTACT OFFICER

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