

**SCHEME FOR THE RECOVERY OF BUILDING REGULATION CHARGES
AND ASSOCIATED MATTERS**

FOR

DUDLEY METROPOLITAN BOROUGH COUNCIL

**To be read in conjunction with The Building (Local Authority Charges)
Regulations 2010.**

Date this scheme came into effect: 7th April 2014.

SCHEME FOR THE RECOVERY OF BUILDING REGULATION CHARGES

Definitions

The following definitions apply to this charging scheme and should be read in conjunction with the other clauses and tables which constitute the charging scheme:

“Building”

Means any permanent or temporary building but not any other kind of structure or erection, and a reference to a building includes a reference to part of a building.

“Building Notice”

Means a notice given in accordance with regulation 12(2)a) and 13 of the Building Regulations 2000 (as amended).

“building work” means:

- (a) the erection or extension of a building;
- (b) the provision or extension of a controlled service or fitting in or in connection with a building;
- (c) the material alteration of a building, or a controlled service or fitting;
- (d) work required by building regulation 6 (requirements relating to material change of use);
- (e) the insertion of insulating material into the cavity wall of a building;
- (f) work involving the underpinning of a building;
- (g) work required by Building Regulation 4A (requirements relating to thermal elements);
- (h) work required by Building Regulation 4B (requirements relating to a change of energy status);
- (i) work required by Building Regulation 17D (consequential improvements to energy performance);

“chargeable function” means a function relating to the following:

- (a) The passing or rejection of plans of proposed building work which has been deposited with the council in accordance with section 16 of the Building Act 1984 (as amended).
- (b) The inspection of building work for which plans have been deposited with the council in accordance with the Building Regulations 2000 (as amended) and with section 16 of the Building Act 1984 (as amended).
- (c) The consideration of a Building Notice which has been given to the council which has been given to the council in accordance with the Building Regulations 2000 (as amended).
- (d) The consideration of building work reverting to the council under the Building (Approved Inspectors etc.) Regulations 2000 (as amended).
- (e) The consideration of a regularisation application submitted to the council under regulation 21 of the Building Regulations 2000 (as amended).

“cost” does not include any professional fees paid to an architect, quantity surveyor or any other person.

“dwelling” includes a dwelling-house and a flat.

“dwelling-house” does not include a flat or a building containing a flat.

“**flat**” means a separate and self-contained premises constructed or adapted for use for residential purposes and forming part of a building from some other part of which it is divided horizontally.

“**floor area of a building or extension**” is the total floor area of all the storeys which comprise that building. It is calculated by reference to the finished internal faces of the walls enclosing the area, or, if at any point there is no enclosing wall, by reference to the outermost edge of the floor.

“**relevant person**” means:

- (a) in relation to a plan charge, inspection charge, reversion charge or building notice charge, the person who carries out the building work or on whose behalf the building work is carried out;
- (b) in relation to a regularisation charge, the owner of the building; and
- (c) in relation to chargeable advice, any person requesting advice for which a charge may be made pursuant to the definition of “chargeable advice”.

Principle of this Scheme

The set charges or method of establishing the charge have been established in this scheme for the functions prescribed in the Building (Local Authority Charges) Regulations 2010 (referred to as the chargeable functions), namely:

- **A plan charge**, payable when plans of the building work are deposited with the Local Authority.
- **An inspection charge**, payable on demand after the authority carry out the first inspection in respect of which the charge is payable.
- **A building notice charge**, payable when the building notice is given to the authority.
- **A reversion charge**, payable for building work in relation to a building:-
 1. Which has been substantially completed before plans are first deposited with the Authority in accordance with Regulation 20(2)(a)(i) of the Approved Inspectors Regulations, or
 2. In respect of which plans for further building work have been deposited with the Authority in accordance with Regulation 20(3) of the Approved Inspectors Regulations, on the first occasion on which those plans are or have been deposited.
- **A regularisation charge**, payable at the time of the application to the Authority in accordance with Regulation 21 of the Building Regulations.
- **Chargeable advice**, local authorities can make a charge for giving advice in anticipation of the future exercise of their chargeable functions (i.e. before an application or notice is received for a particular case). This is payable after the first hour of advice, on demand after the authority has given notice required by Regulation 7(7) of the Building (Local Authority) Charges Regulations 2010 (i.e., the charge has been confirmed in writing following an individual determination). This charge can be discounted from a subsequent application or notice received for the work in question.
- The above charges are payable by the relevant person (see above for definition).
- Any charge which is payable to the authority may, in a particular case, and with the agreement of the authority, be paid by instalments of such amounts payable on such dates as may be specified by the authority. If the applicants and an authority are agreeable, an inspection charge can be fully or partly paid in advance with the plans charge.
- The charge for providing a chargeable function or chargeable advice is based on the principle of achieving full cost recovery. The charges will be calculated by using the Council Officers' average hourly rate stated in the charging scheme, multiplied by the time taken to

carry out the functions/advice, taking the following factors into account, as applicable, in estimating the time required by officers to carry out the function/advice:-

1. The existing use of a building or the proposed use of the building after completion of the building work.
2. The different kinds of building work described in regulation 3(1)(a) to (i) of the Building Regulations:
3. The floor area of the building or extension.
4. The nature of the design of the building work and whether innovative or high risk construction techniques are to be used.
5. The estimated duration of the building work and the anticipated number of inspections to be carried out.
6. The estimated cost of the building work.
7. Whether a person who intends to carry out part of the building work is a person mentioned in regulation 12(5) or 20B(4) of the Building Regulations (i.e. Related to competent person/self certification schemes).
8. Whether in respect of the building work a notification will be made in accordance with regulation 20A(4) of the Building Regulations (ie. Where design details approved by Robust Details Ltd have been used).
9. Whether an application or Building Notice is in respect of two or more buildings or building works all of which are substantially the same as each other.
10. Whether an application or Building Notice is in respect of building work, which is substantially the same as building work in respect of which plans have previously been deposited or building works have been inspected by the same local authority.
11. Whether chargeable advice has been given on the project which is likely to result in less time being taken by a local authority to process the Building Regulation Application.
12. Whether it is necessary to engage and incur the costs of a consultant to provide specialist advice in relation to a particular aspect of the building work.

Principles of the scheme in respect of the erection of domestic buildings, garages, carports and extensions.

- Where the charge relates to the erection of a dwelling, the charge includes for the provision of a detached or attached domestic garage or carport providing that it is constructed at the same time as the dwelling.
- Where any building work comprises or includes the erection of more than one extension to a building, the total floor areas of all such extensions shall be aggregated to determine the relevant charge payable, providing that the building work for all aggregated extensions is carried out at the same time.

Exemption from charges

The Authority has not fixed by means of its scheme, nor intends to recover a charge in relation to an existing dwelling that is, or is to be, occupied by a disabled person as a permanent residence; and where the whole of the building work in question is solely:-

- a. For the purpose of providing means of access for the disabled person by way of entrance or exit to or from the dwelling or any part of it, or
- b. For the purpose of providing accommodation or facilities designed to secure the greater health, safety, welfare or convenience of the disabled person.

The Council has not fixed by means of its scheme, nor intends to recover a charge for the purpose of providing accommodation or facilities, designed to secure the greater health, safety, welfare or convenience of a disabled person in relation to an existing dwelling, which is, or is to be, occupied by that disabled person as a permanent residence where such work consists of :-

- a. the adaptation or extension of existing accommodation or an existing facility or the provision of alternative accommodation or an alternative facility where the existing accommodation or facility could not be used by the disabled person or could be used by the disabled person only with assistance; or
- b. the provision of extension of a room which is or will be used solely:-
 - (i) for the carrying out for the benefit of the disabled person of medical treatment which cannot reasonably be carried out in any other room in the dwelling, or
 - (ii) for the storage of medical equipment for the use of a disabled person, or
 - (iii) to provide sleeping accommodation for a carer where the disabled person requires 24-hour care.

The Council has not fixed by means of its scheme, nor intends to recover a charge in relation to an existing building to which members of the public are admitted (whether on payment or otherwise); and where the whole of the building work in question is solely:-

- a. for the purpose of providing means of access for disabled persons by way of entrance or exit to or from the building or any part of it; or
- b. for the provision of facilities designed to secure the greater health, safety, welfare of disabled persons.

Note: "disabled person" means a person who is within any of the descriptions of persons to whom Section 29(1) of the National Assistance Act 1948, as extended by virtue of Section 8(2) of the Mental Health Act 1959, applied, but disregarding the amendments made by paragraph 11 of Schedule 13 to the Childrens Act 1989. The words in section 8(2) of the Mental Health Act 1959 which extend the meaning of disabled person in section 29(1) of the National Assistance Act 1948, are prospectively repealed by the National Health Service and Community Care Act 1990, section 66(2), Schedule 10, as from a day to be appointed.

Information required to determine charges

If the authority requires additional information to enable it to determine the correct charge the authority can request the information under the provisions of Regulation 9 of the Building (Local Authority Charges) Regulations 2010.

The standard information required for all applications is detailed on the Authority's Building Regulation Application Forms. This includes the existing and proposed use of the building and a description of the building work.

Additional information may be required in relation to:-

- The floor area of the building or extension
- The estimated duration of the building work and the anticipated number of inspections to be carried out
- The use of “competent persons” or Robust Details Ltd.
- Any accreditation held by the builder or other member of the design team.
- The nature of the design of the building work and whether innovative or high risk construction techniques are to be used.
- The estimated cost of the building work. If this is used as one of the factors in establishing a charge the “estimate” is required to be such a reasonable amount as would be charged by a person in business to carry out such building work (excluding the amount of any value added tax that may be chargeable).

Establishing the charge

The authority has established standard charges using the principles contained within The Building (Local Authority Charges) Regulation 2010. Standard charges are detailed in the following tables. In the tables below any reference to number of storeys includes each basement level as one storey and floor areas are cumulative.

If the building work that you are undertaking is not listed as a standard charge, it will be individually determined in accordance with the principles and relevant factors contained within The Building (Local Authority Charges) Regulations 2010. If the authority considers it necessary to engage and incur the costs of a consultant to provide specialist advice or services in relation to a particular aspect of building work, those costs shall also be included in setting the charge.

When the charge is individually determined the authority shall calculate the charge in the same way a standard charge was set by using the average hourly rate of officers’ time, multiplied by the estimated time taken to carry out their building regulation functions in relation to that particular piece of building work and taking into account the applicable factors listed in regulation 7(5) of the charges regulations.

Individually determined charges will be confirmed in writing specifying the amount of the charge and the factors that have been taken into account in determining the charge.

The building regulations charges for the following types of building work will be individually determined and the authority will state which factors in regulation 7(5) of the charges regulations it has taken into account in establishing a standard or individually determine charge.

Examples of individually determined building projects

- A reversion charge, i.e. where an Approved Inspector has been involved with a project but cannot progress it to a satisfactory state of completion.
- When the building work is in relation to more than one building, with the exception of sites of multiple dwellings or flats.

- When building work consists of alterations to any building where the estimated cost exceeds £100,000.
- When the work consists of a domestic garage with a floor area over 60m².
- When the work consists of the erection of or conversion of an existing building to provide in excess of 20 individual dwellings.
- When the work consists of the erection or conversion of a building into dwellings where the floor area of each dwelling exceed 300m².
- Any other work where the estimated cost of work exceeds £100,000.
- Where more than one standard charge applies to the building work, the authority will establish the charge by individually determining it.

Other matter relating to calculation of charges

- In calculating these charges, refunds or supplementary charges, an officer hourly rate of £47.00 per hour has been used.
- Any charge payable to the authority shall be paid with an amount equal to any value added tax payable in respect of that charge.
- Charges are not payable for the first hour when calculating an advice charge.

Reductions

Reduced charges can be made in the following circumstances:-

- a. The authority will reduce the building regulation charge by the cost of any pre-consultation advice that has been given for a project, if it has been paid for by the same architect/client.
- b. Where in accordance with Regulation 7(5)(i) of the charges regulations, one application or Building Notice is in respect of two or more buildings or building works all of which are substantially the same as each other a 10% reduction in the standard charge will be made.
- c. Where in accordance with Regulation 7(5)(j) of the charges regulations an application or Building Notice is in respect of work which is substantially the same as building work in respect of which plans have previously been deposited and approved or building work in respect of which plans have previously been deposited and approved and inspected by this authority a 10% reduction in the plan charge will be made.

Refunds and supplementary charges

In the circumstances when the basis on which the charge has been set or determined has changed, the authority may refund or request a supplementary charge and provide a written statement setting out the basis of the refund/supplementary charge and also state how this has been calculated. In the calculations of refunds/supplementary charges no account shall be taken of the first hour of an officer's time.

Non-Payment of a Charge

Regulation 8(2) of the Building (Local Authority Charges) Regulations 2010 identify that plans are not treated as being deposited for the purpose of Section 16 of the Building Act or Building Notices are not considered as valid unless the Council has received the correct fee. Relevant time scales do not start until the agreed payment has been made. The debt recovery team of the Council will pursue any non-payment of a charge.

Complaints about Charges

Complaints regarding the level of charges should initially be referred to the relevant officer who you are dealing with. The Council has a comprehensive complaints handling procedure. If you are not satisfied with the initial response to your complaint you may pursue the matter through the Council's Complaints procedure. Details can be found on the Councils' website www.dudley.gov.uk

Transitional Provisions

The Council's scheme for the recovery of charges, dated April 2010 continues to apply in relation to building work, for which plans were first deposited, or a Building Notice was given, or a regularisation application was made between April 2010 and 30th September 2010. The new scheme is operable for applications and Building Notices received on and after 1st October 2010.

STANDARD CHARGES

These standard charges have been set by Dudley Metropolitan Borough Council on the basis that the building work does not consist of, or include, innovative or high risk construction techniques and the duration of the building work from commencement to completion does not exceed 12 months.

The charges have also been set on the basis that the design and building work is to be carried out by a person or company who is competent to carry out the design work and building work that they are undertaking. If they are not, the work may incur supplementary charges.

The fees assume that any electrical works undertaken are done so by a suitably qualified person or organisation accredited with a relevant 'Competent Persons Scheme'. If not then an additional fee will be payable.

If you have paid for chargeable advice in the form of pre-application consultations for the project a reduction will be made in the standard charge that is now payable.

Building Notice Charge

The use of the "Building Notice" procedure does involve the Building Control Officer spending more time on site visits and assessing works as they progress. It is for this reason that a project using the Building Notice procedure will incur a higher charge above those that are required for a project using the "Full Plans" procedure.

Reversion Charges

These charges will be individually determined.

Regularisation Charges

The charge is listed in the following tables.

SCHEDULE 1

CHARGES FOR THE ERECTION OF, OR THE CONVERSION TO, NEW DWELLINGS OR FLATS WHOSE INDIVIDUAL FLOOR AREA IS LESS THAN 300M²

Number of Dwellings	PLAN CHARGE			INSPECTION CHARGE			BUILDING NOTICE		
	Plan Fee	VAT	Total	Inspection Fee	VAT	Total	Building Notice	VAT	Total
1	164.17	32.83	197.00	350.83	70.17	421.00	616.67	123.33	740.00
2	164.17	32.83	197.00	526.67	105.33	632.00	827.50	165.50	993.00
3	164.17	32.83	197.00	771.67	154.33	926.00	1122.50	224.50	1347.00
4	195.83	39.17	235.00	982.50	196.50	1179.00	1415.00	283.00	1698.00
5	195.83	39.17	235.00	1158.33	231.67	1390.00	1625.00	325.00	1950.00
6	213.33	42.67	256.00	1343.33	268.67	1612.00	1867.50	373.50	2241.00
7	213.33	42.67	256.00	1509.17	301.83	1811.00	2067.50	413.50	2481.00
8	256.67	51.33	308.00	1650.83	330.17	1981.00	2288.33	457.67	2746.00
9	256.67	51.33	308.00	1861.67	372.33	2234.00	2541.67	508.33	3050.00
10	256.67	51.33	308.00	2036.67	407.33	2444.00	2751.67	550.33	3302.00
11	256.67	51.33	308.00	2213.33	442.67	2656.00	3007.50	601.50	3609.00
12	256.67	51.33	308.00	2387.50	477.5	2865.00	3173.33	634.67	3808.00
13	304.17	60.83	365.00	2527.50	505.50	3033.00	3398.33	679.67	4078.00
14	304.17	60.83	365.00	2633.33	526.67	3160.00	3524.17	704.83	4229.00
15	304.17	60.83	365.00	2739.17	547.83	3287.00	3651.67	730.33	4382.00
16	304.17	60.83	365.00	2844.17	568.83	3413.00	3774.17	754.83	4529.00
17	327.50	65.50	393.00	2913.33	582.67	3496.00	3889.17	777.83	4667.00
18	327.50	65.50	393.00	3019.17	603.83	3623.00	4015.83	803.17	4819.00
19	327.50	65.50	393.00	3160.00	632.00	3792.00	4184.17	836.83	5021.00
20	350.83	70.17	421.00	3230.00	646.00	3876.00	4295.83	859.17	5155.00

For applications in excess of 20 dwellings or flats, an individual fee will be calculated.

SCHEDULE 2

CHARGES FOR CERTAIN WORKS IN CONNECTION WITH OR TO AN EXISTING DWELLING

TYPE OF WORK	PLAN FEE			INSPECTION FEE			BUILDING NOTICE			REGULARISATION CERTIFICATE
	Net Fee	VAT	Total	Net Fee	Vat	Total	Net Fee	VAT	Total	
i) Erection or extension of a non exempt car- port or detached garage up to 40 m ²	93.33	18.67	112.00	69.17	13.83	83.00	186.67	37.33	224.00	243.00
ii) Erection or extension of a car port or detached garage between 40-60 m ²	93.33	18.67	112.00	93.33	18.67	112.00	233.33	46.67	280.00	291.00
(iii) Erection of an attached garage less than 40 m ²	93.33	18.67	112.00	93.33	18.67	112.00	221.67	44.33	266.00	291.00
iv) A domestic extension the floor area of which does not exceed 10 m ²	157.50	25.50	153.00	155.00	31.00	186.00	327.50	65.50	393.00	407.00
v) A domestic extension the floor area of which exceeds 10 m ² but does not exceed 40 m ²	164.17	32.83	197.00	245.83	49.17	295.00	421.67	84.33	506.00	538.00
vi) A domestic extension the floor area of which exceeds 40 m ² but does not exceed 100 m ²	173.33	34.67	208.00	315.83	63.17	379.00	515.00	103.00	618.00	656.00
vii) Loft conversion of up to a maximum floor area of 50 m ²	186.67	37.33	224.00	233.33	46.67	280.00	440.00	88.00	528.00	548.00
viii) Conversion of an attached garage serving a dwelling to a habitable use	93.33	18.67	112.00	140.00	28.00	168.00	257.50	51.50	309.00	328.00
ix) Window replacement , space heating and hot water systems not installed under a self-certification scheme	46.67	9.33	56.00	61.67	12.33	74.00	116.67	23.33	140.00	138.00
x) Other works in connection with an existing dwelling, up to a value of £2,000	116.67	23.33	140.00	70.00	14.00	84.00	210.83	42.17	253.00	316.00
£2,001 to £5,000	116.67	23.33	140.00	105.00	21.00	126.00	257.50	51.50	309.00	421.00
£5,001 to £25,000	140.00	28.00	168.00	186.67	37.33	224.00	421.67	84.33	506.00	492.00
£25,001 to £50,000	140.00	28.00	168.00	233.33	46.67	280.00	490.83	98.17	589.00	586.00
£50,001 to £75,000	164.17	32.83	197.00	336.67	67.33	404.00	560.83	112.17	673.00	678.00
£75,001 to £100,000	186.67	37.33	224.00	450.00	90.00	540.00	701.67	140.33	842.00	842.00

SCHEDULE 3

NON-DOMESTIC APPLICATIONS

VALUE OF WORKS	PLAN FEE	VAT	INSPECTION FEE	VAT	TOTAL FEE INC. VAT	REGULARISATION CERTIFICATE
0 to £5,000	177.50	35.50	0	0	213.00	290.00
£5,001 to £25,000	130.00	26.00	220.83	44.17	421.00	489.00
£25,001 to £50,000	280.83	56.17	280.83	56.17	674.00	821.00
£50,001 to £75,000	280.83	56.17	426.67	85.33	849.00	962.00
£75,001 to £100,000	303.33	60.67	562.50	112.50	1039.00	1227.00

NOTE:

FOR BUILDING WORKS VALUED AT MORE THAN £100,000 YOU SHOULD CONTACT THE BUILDING CONTROL OFFICE WITH REGARD TO AN INDIVIDUAL FEE EVALUATION.

SCHEDULE 4

PART P: ELECTRICAL SAFETY

The scale of charges relates to works carried out under the provisions of Part P to The Building Regulations 2010, being the design, installation, inspection and testing of relevant works related to electrical safety in domestic properties.

1. Relevant electrical works carried out by a competent electrician registered with an appropriate self certification scheme and with notification of those works registered with the authority through the provisions of that scheme.

No Fee

2. Relevant electrical works carried out in connection with the building of a new dwelling or the alteration or extension of an existing dwelling where those works are the subject of an application for Building Regulation approval. Works carried out by a competent electrician registered with an appropriate self certification scheme and with notification of those works registered with the authority through the provisions of that scheme.

Registration noted on Building Regulation File

No Fee

3. Relevant electrical works carried out by a competent electrician not registered with an appropriate self certification scheme but able to sign appropriate certification to demonstrate the compliance of the installation.

Application to be made using a Building Notice with a full description of the works to be given. Appropriate certification to be provided by the electrician. The Authority will register the application but not issue a completion certificate but a letter confirming the registration and receipt of appropriate test certification.

Fee £ 45.00 + VAT

4. Relevant electrical works carried out in connection with the building of a new dwelling or the alteration or extension of an existing dwelling where those works are the subject of an application for Building Regulation approval. Works carried out by a competent electrician not registered with an appropriate self certification scheme but able to sign appropriate certification to demonstrate the compliance of the installation.

Certification to be entered on the Building Regulation File

No additional fees required and completion certificate to be issued in normal manner.

With no certification for the electrical works on file then completion certificate will not be issued following completion inspection of the building works.

5. Relevant electrical works carried out by a non qualified person.

Applications are to be made using a Building Notice with a full description of the works given.

Registration of application £ 45.00 +VAT

No additional fee to be paid if independent certification provided from a competent electrician to validate compliance of the works.

Acceptance certificate will be issued by the Authority.

If inspection is required by the Authority to validate the works then additional charges as Appendix B will be levied.

On satisfactory completion inspection acceptance certificate will be issued by the Authority.

6. Electrical works carried out in connection with the building of a new dwelling or the alteration or extension of an existing dwelling where those works are subject of an application for Building Regulation approval. Works carried out by a non qualified person.

Registration noted on Building Regulation file.

No additional fee to be paid.

No further fee to be paid if independent certification provided from a competent electrician to validate compliance of the electrical works.

Completion certificate will be issued by the Authority in the normal manner.

If inspection is required by the Authority to validate the electrical works then additional charges as appendix B will be levied.

Completion certificate will be issued by the Authority in the normal manner.

APPENDIX A

Definition of Competent Person

An electrician registered with a recognised trade body such as NICEIC, ECA and NAPIT and is able to test the work and issue a design, installation and test certificate under the provisions of BS7671.

APPENDIX B

Minor Works

Total £126.00 + VAT

Electrical Installation Certification (1-4 Circuits)

Total £201.00 + VAT

Electrical Installing Certificate (5-10 Circuits)

Total £270.00 + VAT

Electrical Installation Certificate (11-16 Circuits)

Total £359.00 + VAT

