



**London Borough of Brent Building Control Charging Scheme
No.11
Effective from 1st January 2016**

The Building [Local Authority Charges] Regulations 2010

To be read in conjunction with the following documents:

- [Circular letter: The Building \(Local Authority Charges\) Regulations 2010 \(S.I. 2010/404\)](#)
- [Circular 01/2010: The Building Act 1984, The Building \(Local Authority Charges\) Regulations 2010: New Provision for Local Authority Building Control Charges](#)
- [The Building \(Local Authority Charges\) Regulations 2010 \(S.I. 2010/404\)](#)
- **Local Authority Building Control Accounting Guidance for England and Wales (Fully Revised Second Edition 2010)**

SCHEME FOR THE RECOVERY OF BUILDING REGULATION CHARGES

1. 'This scheme is to be known as the “**London Borough of Brent (Building Regulations) Charges Scheme No. 11. 2016**” (the “charges scheme”)
2. This “charging scheme” is made under the **Building (Local Authority Charges) Regulations, 2010** (the “Charges Regulations”) and is effective from 1st January 2016 (or as soon afterwards as practically possible) until further notice. The charging scheme sets out the Councils charging policy relating to the Councils Building Regulation service and includes Tables of charges as set out in Annex A. It also contains advice on calculation of charges on major projects and cross boundary working where projects fall outside of the standard charges determined in Annex B and require individual assessment. (NOTE: It may be advisable to read the charges scheme in conjunction with the charges regulations and guidance).
3. **Interpretations and Definitions [Regulation 2]**

The charges scheme includes the following clauses and definitions:

‘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 regulations 12(2)(a) and 13 of the Principal Regulations [Building Regulations 2010 (as amended)].

‘building work’ has the meaning given in Regulations 3(1) of the Principal Regulations [Building Regulations 2010 (as amended)] and includes:

- (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, as mentioned in paragraph 3(2);
- (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 22 (requirements relating to a change of energy status);
- (h) work required by Building Regulation 23 (requirements relating to thermal elements);
- (i) work required by Building Regulation 28 (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 London Borough of Brent in accordance with section 16 of the Act [Building Act 1984] (**a “Plan charge”**).
- (b) the inspection of building work for which plans have been deposited with the London Borough of Brent in accordance with the Principal Regulations [Building Regulations 2010 (as amended)] and with section 16 of the Act [Building Act 1984] (**an “Inspection charge”**)
- (c) the consideration of a building notice which has been given to the London Borough of Brent in accordance with the Principal Regulations [Building Regulations 2010 (as amended)] (**a “Building Notice charge”**).
- (d) the consideration of building work reverting to the local authority under the Approved Inspectors Regulations [Building (Approved Inspectors etc.) Regulations 2010 (as amended)] (**a “Reversion charge”**); and
- (e) the consideration of a regularisation application submitted to the local authority under Regulation 18 of the Principal Regulations [Building Regulations 2010 (as amended)] and the inspection of any building work to which that application relates (**a “Regularisation charge”**).

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

‘cross-boundary working’ means Building Regulation work undertaken by Brent Building Control in relation to premises located outside of the borough. This can include projects dealt with under the Local Authority Building Control (LABC) Partnership scheme or where works are undertaken in relation to the London District Surveyors Association (LDSA) Memorandum of Understanding and may involve Plan Checking / vetting only (where the host borough undertakes site inspections) or both Plan Checking **and** Site Inspections by Brent Building Control (regardless of where the project is located outside of the borough boundary).

‘disability’ and “disabled person” A person has a disability if that person has a physical or mental impairment and the impairment has a substantial and long term adverse effect on the persons ability to carry out normal day to day activities. A reference to a “disabled person” is a reference to a person who has a disability within the meaning given by section 6 of the Equality Act 2010 (disability)

‘estimated cost’ means the amount accepted by the local authority as that which a person engaged in the business of carrying out building work would reasonably charge for carrying out the work in question, excluding VAT and professional fees.

‘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'

- (a) the floor area of:
 - (i) any storey of a dwelling or extension; or
 - (ii) a garage or carport,is the total floor area 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;
- (b) the total floor area of any dwelling is the total of the floor area of all the storeys which comprise that dwelling, and
- (c) the total floor area of an extension of a dwelling is the total of the floor areas of all the storeys in the extension, and
- (d) the floor area relating to a domestic loft conversion or basement extension is the total internal floor area, calculated by reference to internal faces of walls/partitions forming the loft conversion / basement extension and includes the stairwell opening and any loft / basement storage area.

'new dwelling' includes a dwelling that is formed by a material change of use of a building within the meaning of Regulation 5(a), (b) or (g) of the principal Regulations.

'optional requirement' means an optional requirement as described in Regulation (1A)(b) or in Regulation 36(2)(b) of the principal regulations and shall apply to building work in any case where the Planning permission under which the building work is carried out

- a) specifies that optional requirement by reference to those regulations; and
- b) makes it a condition that the requirement must be complied with.

'planning permission' has the meaning given in s336(1) (interpretation) of the Town and Country Planning Act 1990

'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' [refer Regulation 5(2)]

4) Principles of the Scheme: Authority to fix and recover charges [Regulation 3] payment [Regulation 8]

4.1 The London Borough of Brent is authorised [Regulation 3(1)] subject to and in accordance with the Charges Regulations and their charges scheme to fix charges as they may determine from time to time and to recover such charges from relevant persons for, or in connection with, the performance of

their functions relating to Building Regulations. However, the local authority shall not fix or recover any charges where the whole of the building work in question is solely for the benefit of a disabled person in accordance with Regulation 4 [Building (Local Authority Charges) Regulations 2010 (as amended)]. Please refer to Building Control before assuming exemption from charges.

4.2 The London Borough of Brent is authorised, subject to and in accordance with the Charges Regulations, to amend, revoke or replace the Charges Scheme, which has been made by them in accordance with clause 2 above.

5) Exemption from charges for building work solely required for disabled persons [Regulation 4]

5.1 The London Borough of Brent 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. [Regulation 4(1)]

5.2 The London Borough of Brent 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 or 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 the disabled person; or
 - (iii) to provide sleeping accommodation for a carer where the disabled person requires 24-hour care. [Regulation 4(2)]

5.3 The London Borough of Brent 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. [Regulation 4(3)]

Note: 'disabled person' means a person who has a disability within the meaning given by section 6 of the Equality Act 2010 (disability).

In some cases, it will be required to obtain a letter from a Doctor, Occupational Therapist or similar medically qualified person before exemption may be granted.

5.4 Where the works cannot be considered to be **solely** for the benefit of a disabled person or the works provide additional facilities than required or justified for exemption under 5(1), 5(2) or 5(3) above (e.g. larger kitchen area than required as replacement, unrelated internal works, etc) partial exemption may be applied and a reduced Building Control charge made. This is to be determined in relation to the individual case and is at the discretion of the local authority.

6) Chargeable functions and advice [Regulation 5].

6.1 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 [Regulation 5(1) referred to as the "chargeable functions", namely:

- **A Plan charge** for, or in connection with, the passing or rejection of plans of proposed building work which have been deposited with the local authority in accordance with the Principal Regulations and Section 16 of the Building Act 1984. [Regulations 5(1)(a)]. (NOTE: A Plan Charge is payable when plans of the building work are deposited with the Local Authority [Regulation 8(1)(a)]),
- **An Inspection charge** for, or in connection with, the inspection of building work for which plans have been deposited in accordance with the Principal Building Regulations and Section 16 of the Building Act 1984. [Regulation 5(1)(b)]. (NOTE: An Inspection charge is payable on demand after the authority carry out the first inspection in respect of which the charge is payable [Regulation 8(1)(b)])
- **A Building Notice charge** for, or in connection with, the consideration of a Building Notice which has been given to the local authority in accordance with the Principal Building Regulations. [Regulation 5(1)(c)]. (NOTE: A Building Notice charge is payable when the building notice is given to the authority [Regulation 8(1)(c)])
- **A Reversion charge** for, or in connection with, the consideration of building work reverting to local authority control under the Approved Inspectors Regulations [Regulation 5(1)(d)] in relation to a building:

- a) 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 [Regulation 8(1)(d)(i)], or
- b) In respect of which plans for further building work have been deposited with the Authority in accordance with the Regulation 20(3) of the Approved Inspectors Regulations, on the first occasion on which those plans are or have been deposited [Regulation 8(1)(d)(ii)].
(NOTE: A Reversion Charge is payable when plans are submitted to the local authority [Regulation 8(1)(d)])

- **A Regularisation charge** for or in connection with the consideration of an application under Building Regulation 18 (unauthorised building work) of the Principal Building Regulations [Building Regulations 2010 (as amended)] and the inspection of any building work to which the application relates. [Regulation 5(1)(e)]. (NOTE: A Regularisation charge is payable at the time of the application to the authority [Regulation 8(1)(e)] and, as works have commenced, refund shall not be payable.
- **Chargeable advice.** The local authority are authorised by means of a charging scheme to make a charge for giving advice in anticipation of the future exercise of their chargeable functions (i.e. pre-application advice before an application or notice is received for a particular case). No charge will be made for the first hour of time spent in providing “chargeable advice” [Regulation 5(2)]. The charge is payable 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) and is based on the principal of cost recovery @ £86.00 + VAT per hour (per surveyor / engineer) plus expenses. This charge may be discounted from a subsequent application or notice received for the work in question **at the discretion of the local authority**. Additional charges shall apply where research or review of projects is required prior to providing chargeable advice or where consultants are required to provide specialist advice (e.g. Fire Engineering).

Such charges are set out in Appendix 1

7. Principles of the Charging scheme: Overriding objective in determining charges [Regulation 6].

- 7.1 The overriding objective is that the London Borough of Brent must ensure, taking one financial year with another, that the income derived by the Council from performing chargeable functions and providing chargeable advice (“chargeable income”) as nearly as possible equates to the costs incurred by the Council in performing chargeable functions and providing chargeable advice (“chargeable costs”) [Regulation 6(3)].
- 7.2 At the end of the financial year in which the local authority first make a charging scheme (2010/11), and each subsequent financial year, the authority shall conduct a review of the level of charges set under

the scheme in accordance with Regulation 7, for the purpose of achieving the overriding objective given above [Regulation 6(2)].

- 7.3 Immediately following the review, the authority shall prepare a Building Control statement which sets out, as regards the financial year to which it relates:-
- a) The chargeable costs;
 - b) The chargeable income; and
 - c) The amount of any surplus or deficit. [Regulation 6(4)]
- 7.4 The statement shall be published not more than six months after the end of the financial year to which the statement relates [Regulation 6(5)] and must be approved by the person having responsibility for the administration of the financial affairs of the local authority under section 151 of the Local Government Act 1972 [Regulation 6(6)(a)]. Generally this is the Director of Finance.
- 7.5 A financial year is the period of 12 months beginning with 1st April [Regulation 6(9)]

8. Principles of Charging scheme: Calculating Charges [Regulation 7]

- 8.1 Charges in relation to chargeable functions and advice are payable by the relevant person (see definition above) [Regulation 3(1)(b)].
- 8.2 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 applicant and an authority are agreeable, an inspection charge can be fully or partly paid up front with the plans charge. In addition, in certain circumstances, the local authority may agree to invoice for payment of a Plan Charge, Building Notice Charge or Regularisation Charge instead of receiving the charge on submission of the application.
- 8.3 The charge for providing a chargeable function or chargeable advice is based on the principle of achieving full cost recovery having regard to the overriding objective outlined in clause 7.1 above.
- 8.4 In calculating standard (fixed) charges or individually assessed charges, these will be calculated taking account of the hourly rate at which the time of local authority officers will be charged (currently £86.00 + VAT) in accordance with CIPFA guidance and some or all of the factors listed below [Regulation 7(5)] to estimate the time required to perform the chargeable function or providing chargeable advice given in the charging scheme [Regulation 7(2)],
- a) the existing use of a building, or the proposed use of the building after completion of the building work;
 - b) the different kinds of building work described in regulation 3(1) of the Building Regulations 2010 (as amended);
 - c) the floor area of the building or extension;

- d) the nature of the design of the building work and whether innovative or high risk construction techniques are to be used;
- e) the estimated duration of the building work and the anticipated number of inspections to be carried out;
- f) the estimated cost of the building work [refer Regulation 7(10)];
- g) whether a person who intends to carry out part of the building work is a person mentioned in regulation 12(6) or 20(4) of the Building Regulations (i.e. related to competent person / self certification schemes);
- h) whether in respect of the building work a notification will be made in accordance with regulation 20(4) of the Building Regulations (i.e. where design details approved by Robust Details Ltd have been used);
- i) 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;
- j) 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 inspected by the same local authority. (NOTE: Discounts to published charges may be applied at the local authorities' discretion for multiple work packages relating to similar works, undertaken over a period using the same contractor(s) as part of a long term regeneration / refurbishment project);
- k) whether chargeable advice has been given which is likely to result in less time being taken by a local authority to perform that function;
- l) 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.

In addition, charges will be determined to take account of any additional works required due to "optional requirements" applied under Planning conditions, etc. In such circumstances, any additional requirements applied will be individually determined.

- 8.5 Where the London Borough of Brent consider it necessary to engage and incur the costs of a consultant to provide specialist advice or services (e.g. Fire / Structural engineer) in relation to particular aspect(s) of building work, those costs will be included in the determination of the charges referred to in this charging scheme [Regulation 7(3)] unless the need for such consultants was not known until after submission of the application. In this instance, an additional charge will be made to cover costs and expenses incurred.
- 8.6 The London Borough of Brent have determined that charges for particular building work or building work of particular descriptions will attract a standard (fixed) charge, taking account of such

relevant factors listed above, and these standard charges are contained within Appendix 1.

- 8.7 Charges have been assessed assuming, where applicable, electrical works being carried out in connection with any building work for which a standard charge has been identified that the works are to be undertaken by a suitably qualified and registered electrician and that the local authority is notified through a relevant Competent Persons Scheme (such as NICEIC – Domestic Installer). Where notifiable electrical works under Part P are not undertaken through a Competent Person Scheme, an additional charge will be made. If the local authority is originally notified that works will be subject of CPS notification but this turns out not to be the case a Regularisation charge will be applied.
- 8.8 Where any building work comprises or includes the erection of more than one extension / outbuilding to a building, the total floor areas of all such extensions / outbuildings shall be aggregated to determine the relevant charge payable, providing that the building work for all aggregated extensions is contained within the same application and carried out at the same time. Loft conversions, extensions and basement extensions are to be charged separately and floor areas are not to be aggregated.
- 8.9 Where Building Regulation charges relating to a Full Plans application are to be split between Plan Charge and Inspection Charge these will generally be in 40% / 60% proportion.
- 8.10 A Building Notice Charge is equal to the aggregate of the Plan Charge and Inspection Charge for the corresponding building work given in standard charges or calculated on an individual basis.
- 8.11 A Regularisation Charge is 30% greater than the aggregate of Plan Charge and Inspection Charge for the corresponding building work given in standard charges or calculated on an individual basis (Note: Currently VAT is not applicable to Regularisation Charges)..
- 8.12 Where multiple standard (fixed) charges would apply to the building work in question, the local authority may, with the agreement of the relevant person, determine the charge on an individual assessment basis [Regulation 7(8)] or apply a CAP to the charge which will effectively reduced the BC Charge. Any reference to number of storeys includes each basement level as one-storey and floor areas are cumulative. Where multiple works relating to Single Family Dwellings ONLY which are subject to Table B charges (including extensions, loft conversions, basement extensions, conversion of garage and minor internal alterations) the Building Control Plan, Inspection, Building Notice and Regularisation Charge for multiple works may be CAPPED. **This applies ONLY where the final floor area of the dwelling (including extensions and additions) is less than 300m².**

- 8.13 The Building Regulation 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 determined charge.
- a) A Reversion charge (this should always be included as an individually determined charge);
 - b) The work consisting of alterations to any use of building where the estimated cost exceeds £200,000; or
 - c) The work consists of the erection or conversion of 16 or more dwellings; or
 - d) The work consists of the erection or conversion of dwellings where the floor area of each dwelling exceeds 300m²; or
 - e) The work consists of the erection or conversion of dwellings which include extensive basement works (multiple levels or extends outside of building envelope).
 - f) The work consists of a domestic extension, loft conversion or basement extension / conversion and the floor area (of each) exceeds 100m²; or
 - g) The work consists of a domestic garage with a floor area over 100m²; or
 - h) The project relates to cross-boundary working, or
 - i) The building work is in relation to more than one building where multiple (similar) projects are being undertaken at the same time and/or by the same contractor as part of a wider redevelopment / regeneration scheme.
 - j) Dealing with “optional requirements”
- 8.14 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.
- 8.15 When the charge is individually determined the authority shall calculate the charge in the same way a standard charge was set by taking account of 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.
- 8.16 Where works are undertaken involving cross-boundary working (particularly in respect of cross boundary site inspections) Building Regulation charges may be determined using standard charges or under individual assessment rules. The basis of charge will be as above but additional charges may be made to ensure full cost recovery for the project. Charges should not be less than Brent scale of charges and additionally include any administrative charge made by the host authority.
- 8.17 Where works have not progressed or inspected for more than 3 years and the local authority is called upon to revisit / resurrect the application either an additional charge of £215.00 + VAT or Regularisation charge (as appropriate) will be made. Determination of the additional charge shall be determined taking account of the

particular circumstances and will be at the discretion of the local authority.

9. Principles of Charging scheme: Payment of Charges [Regulation 8]

9.1 Payment is required for various chargeable functions at the following times:

- a) **A Plan Charge** is payable when plans of the building work are deposited with the Local Authority [Regulation 8(1)(a)].
- b) **An Inspection charge** is payable on demand after the authority carry out the first inspection in respect of which the charge is payable [Regulation 8(1)(b)]
- c) **A Building Notice charge** is payable when the building notice is given to the authority [Regulation 8(1)(c)]. The Building Notice Charge is equal to the Plan Charge PLUS the Inspection Charge for the corresponding building work using the Tables of Standard Charges or Individually assessed charge.
- d) **A Reversion Charge** is payable when plans are submitted to the local authority [Regulation 8(1)(d)]. The Reversion Charge is equal to the Plan Charge PLUS the Inspection Charge for the corresponding building work using the Tables of Standard Charges or Individually assessed charge. However, it should be noted that (currently) no VAT is payable.
- e) **A Regularisation charge** is payable at the time of the application to the authority [Regulation 8(1)(e)]. The Regularisation Charge is 30% greater than the Building Notice Charge for the corresponding building work using the Tables of Standard Charges or Individually assessed charge
- f) **Chargeable Advice:** The charge is payable on demand after the authority has given notice required by Regulation 7(7) of the Building (Local Authority) Charges Regulations 2010 (ie the charge has been confirmed in writing following an individual determination).

9.2 Where a Building Notice, Full Plans, Reversion or Regularisation application is given and no Building Notice, reversion or Regularisation charge has been paid or agreed charges instalments have not been made, the Building Notice, Reversion or Regularisation application is not considered as being valid in accordance with the Building Regulations. In certain circumstances, the local authority may agree to invoice for payment of a Plan Charge, Building Notice Charge or Regularisation Charge instead of receiving the charge on submission of the application.

9.3 The charges payable in accordance with 9.1 (a to f) above are payable by the "relevant person" [Regulation 8(1)(g) and Regulation 2]

9.4 There shall be paid with any charge payable to the authority under this Charges Scheme (in accordance with Charges Regulations) an amount equal to any VAT payable in respect of that charge (NOTE: At present

(1st July 2015) no VAT is chargeable on Regularisation or Reversion applications).

- 9.5 Notwithstanding 9.1 (a to f) 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. Payment by instalments will, generally, not be available in respect of any Plan charge, Building Notice, Reversion or Regularisation charge payable but may be where considered appropriate. Payments of inspection charges by stage payments will not be entertained for Charges less than £10000 (excluding VAT). In no case shall the amount of any instalment be less than £500 and all instalments must be paid to London Borough of Brent before completion of the work.
- 9.6 Where an individual assessment of charges is to be made and the local authority have not advised of the charge prior to submission of a Full Plans or Building Notice application, the Plan Charge or Building Notice Charge, will become payable immediately following notification of the charge. In all other cases payment must be made on submission of the application.
- 9.7 All charges must be paid in full prior to the giving of a final certificate of completion.

10. Information required for determining charges [Regulation 9]

- 10.1 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) Regulation 2010.
- 10.2 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, contact details, etc.
- 10.3 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, Type approval or Robust Details Ltd.
 - Any accreditations 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 is 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 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 chargeable).
 - Details regarding use of complex designs and / or use of

- innovative material / fire engineered buildings.
- The location of the site

11. Non-Payment of a Charge

Your attention is drawn to Regulation 8(2) of the Building (Local Authority Charges) Regulations 2010, which explains that plans are not treated as being deposited for the purposes of Section 16 of the Building Act or Building Notices given unless the London Borough of Brent has received the correct charge. In other words, relevant timescales do not start until the agreed payment has been made. The debt recovery team of the authority will also pursue any non-payment of a charge.

12. Complaints about Charges [Regulation 10]

If you have a complaint about the level of charges you should initially raise your concern with the **Head of Building Control**. The London Borough of Brent has a comprehensive complaint handling process. If your complaint is not satisfactorily responded to by the officer concerned, details of how to resolve your complaint is available on request (contact 020 8937 5210) and can be viewed on the London Borough of Brent's web site.

13. Refunds and supplementary charges [Regulation 11]

- 13.1 Where the London Borough of Brent has determined a charge in relation to a chargeable function or chargeable advice, payment of the charge has been made to the Council and the actual amount of work required by officers of the Council is significantly less than that which was originally assessed, the London Borough of Brent will make a refund on request in respect of the proportion of the charge relating to excess payment. An additional amount equal to one hour time (£86.00 + VAT) will be applied in relation to calculation of the refund. [Regulation 11(5)]
- 13.2 Where the London Borough of Brent has determined a charge in relation to a chargeable function or chargeable advice, payment of the charge has been made to the Council and the actual amount of work required by officers of the Council is more than that which was originally assessed, the London Borough of Brent may make a supplementary charge (hourly rate) in respect of any additional work or service carried out by its officers.
- 13.3 If the basis on which the charge has been set or determined changes, the LA will provide a written statement setting out the basis of the refund/supplementary charge and also state how this has been calculated. In the calculation of refunds/supplementary charges no account shall be taken of the first hour of an officer's time and, in certain circumstances, an administration charge may be applied.
- 13.4 Where the local authority fail to give notice or passing of plans within the statutory required period (including such extended period as may be agreed) under section 16 of the Building Act 1984 they shall refund the Plan Charge paid [Regulation 11(1)].

- 13.5 No refund will be given by the London Borough of Brent where the reason for not giving notice of passing or rejection of plans within the period required by section 16 of the Building Act, 1984, is due to the failure by the person by whom, or on whose behalf, the plans were deposited to supply information within a reasonable time, necessary to meet the Council's duties.
- 13.6 No refund will be given by the London Borough of Brent in respect of Regularisation applications where it has not been possible to progress the application to satisfactory completion and issue of a Regularisation certificate, particularly where this is due to the failure of the owner, or such other person, to undertake the reasonable request by the local authority to provide information or expose works carried out to ascertain compliance with the Building Regulations and associated legislation.
- 13.7 Where works have not progressed or inspected for more than 2 years and the local authority is called upon to revisit / resurrect the application an additional charge of £215.00 + VAT (max 3 Visits) or Regularisation charge (as appropriate) at the discretion of the local authority. Additional visits required will, at the discretion of the local authority, be charged at an hourly rate.
- 13.8 Where it is determined that works are substantially changed or additional works are proposed during the progress of the works an additional charge may be applied in accordance with the Building Regulation charges scheme and charges guidance or individually assessed, as appropriate.
- 13.9 Where it is determined that an additional service, such as 3rd party review of fire engineering scheme or CFD modelling is required an additional charge (individually assessed in each case) may be required to cover costs incurred, including administration costs.
- 13.10 Cancellation charge: Where a Full Plans or Building Notice application is cancelled by the applicant or their representative the following cancellation charges shall apply and any refund of Building Regulation charge paid on submission of the application will be reduced by the following amounts:
- a) Cancellation before validation - £65.00 + VAT
 - b) Cancellation after validation but before plans / calculations checked - £86.00 + VAT
 - c) Cancellation after plans / calculations checked – Full Plan (submission) charge paid or 50% of equivalent Building Notice charge or
 - d) Where works have commenced at any stage before application for cancellation – no refund shall apply
- 13.11 Where payment has been made in respect of Building Regulation Charges and the payment is cancelled or cheque payments returned "Refer to Drawer", an invoice shall be forwarded to the responsible person together with an additional charge of £43.00 + VAT to cover additional costs incurred.

14. Publicity

The local authority will, not less than 7 days prior to the date on which this charging scheme comes into effect, publish in their area on Building Control Website the fact that a scheme has been made, the date it comes into effect and the address where it may be inspected (free of charge).

15. Transitional Provisions [Regulation 15]

The London Borough of Brent's previous schemes for the recovery of charges continue to apply in relation to building work for which plans were first deposited, a building notice given, a reversion charge becoming payable, or a regularisation application is made during relevant period under those schemes.

For clarity:

The Building (Prescribed Fees) Regulations 1994 will continue to apply to building work within the London Borough of Brent area for which plans were first deposited, a Building Notice or Initial Notice was given before the 1 April 1999. The Building (Prescribed Fees) Regulations 1994 are revoked by the Building (Local Authority Charges) Regulations 1998 from the 1 April 1999.

- a) **The LBBrent Charges Scheme No 1** and associated Charge Tables will continue to apply in relation to building work for which plans were first deposited or a building or initial notice given between 1st April 1999 and 30th April 2001 (inclusive) regardless of when the work on site commences.
- b) **The LBBrent Charges Scheme No 2** and associated Charge Tables will continue to apply in relation to building work for which plans were first deposited or a building or initial notice given between 1st May 2001 and 31st May 2004 (inclusive) regardless of when the work on site commences.
- c) **The LBBrent Charges Scheme No 3** and associated Charge Tables will continue to apply in relation to building work for which plans were first deposited or a building or initial notice given between 1st June 2004 and 31st March 2006 (inclusive) regardless of when the work on site commences.
- d) **The LBBrent Charges Scheme No 4** and associated Charge Tables will continue to apply in relation to building work for which plans were first deposited or a building or initial notice given between 1st April 2006 and 31st March 2007 (inclusive) regardless of when the work on site commences.

- e) **The LBBrent Charges Scheme No 5** and associated Charge Tables will continue to apply in relation to building work for which plans were first deposited or a building or initial notice given between 1st April 2007 and 31st March 2008 (inclusive) regardless of when the work on site commences.
- f) **The LBBrent Charges Scheme No 6 (effective 1st April 2008 - 17.5% VAT) and 6A (effective 1st December 2008 - 15.0% VAT)** and associated Charge Tables will continue to apply in relation to building work for which plans were first deposited or a building or initial notice given between 1st April 2008 and 31st March 2009 (inclusive) regardless of when the work on site commences.
- g) **The LBBrent Charges Scheme No 7 (effective 1st April 2008 - 15.0% VAT) and 7A (effective 1st January 2010 – 17.5% VAT)** and associated Charge Tables will continue to apply in relation to building work for which plans were first deposited or a building or initial notice given between 1st April 2009 and 31st March 2010 (inclusive) regardless of when the work on site commences.
- h) **The LBBrent Charges Scheme No 8 (effective 1st April 2010)** and associated Charge Tables will continue to apply in relation to building work for which plans were first deposited or a building or initial notice given between 1st April 2010 and 31st September 2010 (inclusive) regardless of when the work on site commences.
- i) **The LBBrent Charges Scheme No 9 and 9A (effective 1st April 2010)** and associated Charge Tables will continue to apply in relation to building work for which plans were first deposited or a building or initial notice given between 1st April 2010 and 31st March 2013 (inclusive) regardless of when the work on site commences.
- j) **The LBBrent Charges Scheme No 10 (effective 1st April 2013)** and associated Charge Tables will continue to apply in relation to building work for which plans were first deposited or a building or initial notice given between 1st April 2013 and 30th June 2015 (inclusive) regardless of when the work on site commences.
- k) **The LBBrent Charges Scheme No 11 (effective 1st January 2016)** and associated Charge Tables will apply in relation to building work for which plans were first deposited or a building or initial notice given after 1st January 2016 and will continue until further notice or the charging scheme is replaced regardless of when the work on site commences.

16. Contravention

Contravention of any of the Building (Local Authority Charges) Regulations 2010 and or the non- payment of any charge which becomes payable are not treated as offences under Section 35 / 35A of the Building Act 1984 (penalty for contravening building regulations) (as amended).

17. Revocation

The Building (Local Authority Charges) Regulations 1998 are revoked by the Building (Local Authority Charges) Regulations 2010.

18. Further information.

Further information and advice concerning building regulation charges and the London Borough of Brent Charging Scheme, can be obtained from

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Website: www.brent.gov.uk/bccs.nsf



Signed.....

John Humphries
Head of Building Control.
(The officer appointed for this purpose).

Dated: 16 October 2015.