

REPORT OF THE ASSISTANT DIRECTOR (BUILDING CONTROL)  
TO THE PERSONNEL, REGULATORY AND APPEALS COMMITTEE  
29 SEPTEMBER 2005  
AND TO THE EXECUTIVE  
7 OCTOBER 2005

**Scheme for Out-of-Hours Working  
for Incidents of Dangerous Structures and Emergencies**

**1.0 Introduction and Report Summary**

- 1.1 This report contains proposals for the introduction of a scheme of out-of-hours working arrangements relating to incidents of dangerous structures and emergencies.
- 1.2 The contact officer for this report is Bill Farrar, Assistant Director (Building Control)  
Tel: 01235 540202 ext 356

**2.0 Recommendation**

- 2.1 *That the Personnel, Regulatory and Appeals Committee approves the Scheme as set out in the appendix to this report.*
- 2.2 *That the Executive agrees an annual supplementary estimate of £5,000 pro rata for the remainder of 2005-06 and for members to consider future year financial consequences as part of the budget setting process*

**3.0 Relationship with the Council's Vision, Strategies and Policies**

- 3.1 This report complies with the Council's Vision Statement and Objectives A, D, E and G.
- 3.2 This report supports the Council's strategy for sound financial management.
- 3.3 This report does not directly conflict with any existing Council policies.

**4.0 Background**

- 4.1 Under the Building Act 1984 Local Authorities are required to deal with incidents of Dangerous Structures which may occur within their respective Districts. This responsibility involves situations of serious damage or instability of buildings and other structures that may become dangerous due to old age, rapid deterioration, and inclement weather or by more dramatic causes such as fire, explosion or impact by vehicles.
- 4.1 A Dangerous Structure situation may arise with any permanent or temporary building or structure or erection when it poses a threat to the health and safety of people in or about that structure as specified by Section 12 of the Building Act 1984.
- 4.2 The Vale of White Horse District Council has charged its Building Control Service Area with the responsibility of this statutory duty.
- 4.3 The Dangerous Structure function protects the community and the public by maintaining the health and safety of people in and around buildings and structures with Local Authority Building Control using its emergency powers to enforce the legislation.

- 4.4 Once an incident has been reported a Surveyor is required to visit the site to assess the situation to check whether a danger actually exists. Where a building or structure is considered by the Local Authority to be dangerous due to its unstable condition or excessive loading immediate action should be taken to obviate the danger.
- 4.5 Where the threat is considered to be not immediate the danger should be removed as soon as practicable and under Section 77 of the Building Act 1984 a Local Authority may apply to a Magistrates Court for an order requiring the owner to:
- obviate danger or
  - if owner elects, demolish building or structure and remove any rubbish, or
  - where the Dangerous Structure arises from an excessive structural loading, restrict its use until the Magistrates Court is satisfied with its stability
- 4.6 This responsibility is a regular function of the Building Control Service Area. However, whilst Building Control Surveyors are expected to respond to such incidents within normal working hours as a regular part of their job the area of out-of-hours working has relied on the goodwill and professional attitude of those officers.
- 4.7 The proposal is to introduce a formally recognised system of out-of-hours working for dangerous structures and emergencies, bringing this Council into line with other Local Authorities in the country who have already addressed this issue.
- 4.8 This Scheme is based on a Procedure Document which covers legislative, financial and health and safety aspects with a Schedule of Payment Rates to staff. In particular, it requires staff to operate a duty rota system, carry out risk assessments and comply with lone working rules.
- 4.9 In addition, it is intended to develop lists of nominated contractors and consultants and to ensure appropriate staff training.

## 5.0 **Future Actions and Timescales**

- 5.1 Procedural and technological changes will continue to affect the way buildings are constructed and, therefore, it is imperative, in order for effective action to be taken in dangerous structure incidents that this Council continues to provide a professional Building Control Service which can respond quickly.
- 5.2 The financial impact of the scheme is estimated to be low whilst in satisfying the Council's statutory obligations and performance standards. The total cost will vary according to the number of call-out incidents. It is expected to cost approximately £5,000 per annum
- 5.3 Other than to formalise the policy, there are no other issues to be resolved in this area of work and the Council shall continue to be advised of any future changes that would significantly affect the service and this would be the subject of a separate report from the Assistant Director (Building Control).

## 6.0 **Alternatives and Options**

- 6.1 If the current arrangements continue this important service would continue to be voluntary and rely upon goodwill of staff willing to respond on an ad-hoc basis. This is a high risk strategy and is consistent with other professional groups who already have such strategies in place.
- 6.2 The new Scheme will be voluntary rather than mandatory, at least initially, as this is consistent with other Council out-of-hours schemes and it is envisaged that there will be a

sufficient number of Building Control Inspectors who will wish to participate. However, this will be reviewed and if too few inspectors volunteer to participate the Scheme will need to be made mandatory.

- 6.3 If the Council were to opt for external consultants to tender for this service there is a likelihood that those costs would exceed the expenditure estimated to provide the service in-house. There may also be an element of lost flexibility and control with an external body.
- 6.4 Opportunities for working with other Local Authorities have been explored in the Oxfordshire Building Control Association and this Council has on occasion commissioned the services of an adjoining Council to assist. There has been no evidence of another such Authority being able to offer a more effective or economic service provision.

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Assistant Director (Building Control)

STEVE BISHOP  
Strategic Director

#### Background Papers

- Dangerous Structure Procedures Document
- Scheme for Out-of-Hours Working – Payments Document
- Comparison with Other Authorities in Similar Family-Group

Vale of White Horse District Council**Building Control Service Area**Scheme for Out-of-Hours Working

1. These terms relate to occasions where this Council requires an employee or group of employees to carry out statutory duties on its behalf. The main areas of responsibility are those of dangerous structures and other building-related emergencies as conferred by the Building Act and other associated legislation.
2. The following arrangements and rates will apply where prior agreements have been made with nominated staff to remain in close proximity to a mobile phone against the possibility of call out outside of normal working hours.
3. A stand-by arrangement will involve a permanent stand-by on specific days, or parts thereof.
4. Stand-by periods will commence at normal finishing time on one day and end at normal starting time the next day. Stand-by on Saturdays, Sundays and Public Holidays will run from the equivalent of normal starting time on each day for a period of 24 hours.
5. Stand-by payments will not apply in cases where an officer is not available for stand-by duty including sickness and holidays.
6. Payment for call-out (*as opposed to stand-by*) shall be on the basis of agreed overtime rates subject to a minimum payment of two hours at the appropriate rate, irrespective of grade
7. The following schedule indicates the current rates of allowances payable for periods of stand-by and actually performed duties:

**Schedule – Rates of Payment**

	<i>Period</i>	<b>Rate</b>
A	Stand-by Rate for whole week (ie. 7 days, including Bank and Public)	£80
B	Hourly Rate for Mondays to Friday and Saturday	1½ times normal hourly rate
C	Hourly Rate for Sundays and Bank and Public Holidays	2 times normal hourly rate