

**LONDON BOROUGH OF TOWER HAMLETS  
BUILDING REGULATIONS CHARGING SCHEME  
No1 2010**

## **LONDON BOROUGH OF TOWER HAMLETS**

### **The Building (Local Authority Charges) Regulations 2010**

#### **BUILDING REGULATIONS CHARGING SCHEME No. 1 2010**

1. This scheme may be cited as the London Borough of Tower Hamlets Building Regulations Charging Scheme No. 1, 2010 (the Charging Scheme), and comes into effect on the 1 October 2010.
2. This Charging Scheme is made under the Building (Local Authority Charges) Regulations, 2010 (the Charges Regulations). The Charging Scheme includes the following paragraphs and definitions and tables of standard charges and advice on assessed charges, as set out in Annexes A and B respectively, which are an integral part of it. It may be advisable to read this Charging Scheme in conjunction with the Charges Regulations.
3. The London Borough of Tower Hamlets (the Council) is authorised, subject to and in accordance with the Charges Regulations, to fix such charges as it may determine from time to time by means of its Charging Scheme for or in connection with the performance of its functions relating to building regulations (subject to the exception for building work solely required for disabled persons); and to recover those charges from relevant persons as provided by the Charges Regulations.
4. The Council is authorised, subject to and in accordance with the Charges Regulations, to amend, revoke or replace any scheme which has been made by them in accordance with paragraph 2 above.
5. The following definitions apply to this Charging Scheme and should be read in conjunction with the other paragraphs 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 regulations 12(2)(A)(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 Regulation 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 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).

'chargeable advice' is a charge made by the Council in relation to a request for building regulation advice as regards any particular case where such a charge is made in anticipation of the future exercise of their chargeable functions in relation to that case, save that no charge is made for the first hour of time spent by an officer of the Council in providing such chargeable advice.

'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.

'estimated cost' in relation to the factors to be taken into account in estimating the time required by officers of the Council for performing a chargeable function or chargeable advice means the amount accepted by the Council 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 value added tax and professional fees.

'financial year' is the period of 12 months beginning with 1<sup>st</sup>. April.

'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 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'

'total floor area of a building' is the total of the floor area of all the storeys which comprise that building.

'total floor area of an extension' is the total of the floor areas of all the storeys in the extension.

6. The Council has not fixed by means of its scheme, nor intends to recover a charge in relation to an existing dwelling which 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.
  
7. The Council will only treat building work as falling within paragraph 6 (b) above, where it is satisfied that 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 the disabled person, or
    - (iii) to provide sleeping accommodation for a carer where the disabled person requires 24-hour care.
  
8. 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 or 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 Children 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.*

9. The Council is authorised within its Charging Scheme to make a charge for or in connection with each of the following functions which it carries out-

- (a) the passing or rejection of plans of proposed building work deposited with the Council in accordance with Section 16 of the Building Act 1984 (as amended) (referred to as a “plan charge”).
  - (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) (referred to as an “inspection charge”).
  - (c) the consideration of a building notice which has been given to the Council in accordance with the Building Regulations 2000 (as amended) (referred to as a “building notice charge”).
  - (d) the consideration of building work reverting to the London Borough of Tower Hamlets Council under the Building (Approved Inspectors etc.) Regulations 2000 (as amended) (referred to as a “reversion charge”) and.
  - (e) the consideration of an application made to the Council under Building Regulation 21 (unauthorised building work) of the Building Regulations 2000 (as amended) and the inspection of any building work to which the application relates (referred to as a “regularisation charge”).
10. The Council is also authorised within its Charging Scheme to make a charge in relation to a request for advice as regards any particular case where such a charge is made in anticipation of the future exercise of its chargeable functions in relation to that case (referred to as “chargeable advice”); save that no charge is to be made for the first hour of time spent by an officer of the Council in providing such chargeable advice.
11. The Council Charging Scheme has been fixed such that its objective is to ensure that, taking one financial year with another, the income to be derived by the Council from performing chargeable functions and providing chargeable advice (referred to as “chargeable income”) as nearly as possible equates to the costs incurred by the Council in performing chargeable functions and providing chargeable advice (referred to as “chargeable costs”). At the end of the financial year within which the Council first made this Charging Scheme and of each subsequent financial year, the Council will conduct a review of the level of charges set out under this Charging Scheme for the purpose of achieving the Charging Scheme’s objective above.
12. Immediately following the review of the level of charges, the Council will prepare a “building control statement” setting out as regards the financial year to which it relates, the chargeable costs, the chargeable income and the amount of any surplus or deficit. Such “building control statement” will be approved by the Council’s Head of Resources and will be published not more than six months after the end of the financial year to which the statement relates.
13. Each charge determined within the Council Charging Scheme has been related to the costs of providing building regulation services in relation to particular building work or building work of particular descriptions having regard to the objective outlined in paragraph 11 above. Where this Charging Scheme is first made and takes effect at any time other than the beginning of a financial year, the Council will have regard to any estimated surplus or deficit arising for that part of the financial year for which its existing scheme made under the Building (Local Authority Charges) Regulations 1998 continues to have effect.

14. The costs of providing Council building regulation services in relation to chargeable functions or chargeable advice will be calculated using the hourly rate at which the time of its officers will be charged in paragraph 15 and the factors paragraphs 17 and 18, in the manner specified in paragraphs 19 and following.
15. The hourly rate of London Borough of Tower Hamlets Council building regulation officers has been calculated as £75.13 /hr
16. Where the Council 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 will be included in the determination of the charges referred to in this Charging Scheme.
17. In calculating the costs and in estimating the time required by its officers for performing a chargeable function or providing chargeable advice (in relation to particular building work or building work of particular descriptions), both in relation to standard and assessed charges, the London Borough of Tower Hamlets Council has taken or will take some or all of the following factors into account:
  - (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)(a) to (i) of the Building Regulations 2000 (as amended). (*see definition of 'building work' in paragraph 5 above*);
  - (c) the floor area of the building or extension. (*see definitions of 'floor area of a building or extension', 'total floor area of a building' and 'total floor area of an extension' in paragraph 5 above*);
  - (d) the estimated duration of the building work and the anticipated number of inspections to be carried out.
18. In calculating the costs and in estimating the time required by its officers for performing a chargeable function or providing chargeable advice (in relation to particular building work or building work of particular descriptions), in relation to assessed charges for individual projects, the Council will take some or all of the following additional factors into account in assessing the charges:
  - (e) the estimated cost of the building work;
  - (f) the nature of the design of the building work and whether innovative or high risk construction techniques are to be used; and
  - (g) whether the person who intends to carry out part of the building work is a person named in a self-certification scheme or list of exemptions under schedule 2A of the Building Regulations 2000 (as amended); or is carrying out the descriptions of work where no building notice or deposit of full plans is required under schedule 2B of the Building Regulations 2000 (as amended) both as mentioned in building regulation 12(5), or is a person who is registered by the British Institute of Non-destructive Testing under regulation 20B(4) of the Building Regulations 2000 (as amended);
  - (h) whether in respect of the building work a notification has been made that design details approved by Robust Details Limited are to be used as outlined in regulation 20A(4) of the Building Regulations 2000 (as amended);

- (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 Council;
  - (k) whether chargeable advice has been given which is likely to result in less time being taken by the Council to perform the chargeable function; and
  - (l) whether it is necessary to engage and to incur the costs of a consultant to provide specialist advice or services in relation to a particular aspect of the building work.
19. The Council has determined standard building regulation charges for building work or building work of particular descriptions. These are set out in a schedule of standard charges listed in Annex A). In preparing these, the Council has taken into account the hourly rate in paragraph 15 and the factors listed in paragraph 17 above.
20. Charges for work outside that covered by the standard charges in Annex A will be subject to an individual assessment.
21. On receipt of a request for advice, an application or notice relating to particular building work, the Council in determining its building regulation charges by reference to an individual assessment of the charge to be made (see guidance on assessed charges in Annex A), will take into account the factors listed in paragraphs 17 and 18 above and such individually determined charges will be confirmed in writing specifying the amount of the charge and the factors which have been taken into account.
22. No charge will be made for the first hour of an officer's time in respect of chargeable building regulation advice given by such officer of the Council.
23. Where in relation to a request from a relevant person, one or more standard charges would apply to the building work in question, the Council may, with the consent of the relevant person, determine the charge otherwise than by applying the standard charge or (in the case of two or more standard charges) aggregating the amounts of the standard charges; and if it does so, it will give the relevant person notice in writing specifying the amount of the charge and the factors which have been taken into account as listed in paragraphs 17 and 18 above.
24. Any plan charge (excluding exception for disabled persons under paragraphs 6, 7 and 8 above) shall be payable when the plans of the building work are deposited with the Council but see also paragraph 35 below.
25. Any inspection charge shall be payable on demand made after the Council carry out the first inspection in respect of which the charge is payable but see also paragraph 35 below.
26. Any building notice charge shall be payable when the building notice is given to the Council but see also paragraph 35 below.
27. Any reversion charge shall be payable for building work in relation to a building-

- (i) which has been substantially completed before plans are first deposited with the Council in accordance with regulation 20(2)(a)(i) of the Building (Approved Inspectors etc.) Regulations 2000 (as amended)
- (ii) in respect of which plans for further building work have been deposited with the Council in accordance with regulation 20(3) of the Building (Approved Inspectors etc.) Regulations 2000 (as amended),

on the first occasion on which those plans have been deposited.

- 28. Any regularisation charge shall be payable at the time of the application to the Council in accordance with regulation 21 (unauthorised building work) of the Building Regulations 2000 (as amended).
- 29. Any charge for chargeable advice shall be payable on demand after the Council has given notice to the relevant person in writing specifying the amount to be charged and the factors which have been taken into account as listed in paragraphs 17 and 18 above.
- 30. Any plan charge, inspection charge, building notice charge, reversion charge, regularisation charge and charge for chargeable advice is to be payable by the relevant person (*see definition, paragraph 5 above*).
- 31. Any charge which is payable to the Council shall be paid together with an amount equal to any value added tax payable in respect of that charge.
- 32. 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 (Annex A).
- 33. The reversion charge is individually determined.
- 34. The regularisation charge is 25% greater than the plan charge plus the inspection charge for the corresponding building work using the tables of standard charges (Annex A).
- 35. Any charge which is payable to the Council, for chargeable building regulation services or chargeable advice, may in a particular case, and with the agreement of the Council be paid in instalments of such amounts payable on such dates as may be specified by the Council. All instalments must be paid to the Council before the completion of building work.
- 36. There is no entitlement to a complete refund of any regularisation charge paid, if the Council, after incurring costs, subsequently cannot determine what work is required to comply with the relevant requirements.
- 37. Where plans are deposited and no plan charge has been payable or agreed charges instalments have not been made, the plans are not considered as being deposited in accordance with building regulations for the purposes of section 16 of the Building Act, 1984 (as amended).



38. Where a building notice is given and no building notice charge has been payable or agreed charges instalments have not been made, the building notice is not considered as being valid in accordance with building regulations.
39. Where an individual assessment of a plan charge or building notice charge has been made, (other than a standard charge) any individually assessed plan charge or building notice charge shall not be payable until such plan charge or building notice charge has been specified by the Council and confirmed in writing if such confirmation is provided later than the deposit of the plan or (as the case may be) the giving of the building notice.
40. The Council is authorised to require the supply of any information where such information is necessary to determine any building regulation charge listed in paragraph 9 above.
41. The Council operates, maintains and makes available on request, to any interested party, an appropriate complaints procedure regarding its building regulations services. If a person is dissatisfied with the decision made relating to the determination of charges for building work and wishes to make a complaint, such complaint will be dealt with within the Council's agreed complaint's procedure. In the first instance, such complaints should be addressed at a local level to:

Head of Building Control  
Mulberry Place (AH)  
PO Box 55739  
5 Clove Crescent  
London  
E14 1BY  
T 020 7364 5254

42. Where for any reason (except where the person by whom or on whose behalf plans were deposited fails to supply information necessary to meet the Council's duty under section 16 of the Building Act, 1984) the Council do not give notice of passing or rejection of plans within the period required by Section 16 of the Building Act 1984 (as amended), any plan charge paid will be refunded.
43. No refund will be given by the Council 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 duty under that section.
44. Where the Council 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 of an officer of the Council is less than that which was originally assessed, the Council (subject to paragraph 44 below) will make a refund in respect of the proportion of the charge relating to the excess payment.

45. Where the Council 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 of an officer of the Council is more than that which was originally estimated in the assessment, the Council (subject to paragraph 45 below) will raise a supplementary charge in respect of any additional work carried out its officer.
46. In relation to the assessment of a refund or supplementary charge, the Council will discount one hour of an officer's time from the calculation of the refund or, as the case may be, the supplementary charge.
47. Where in respect of plans deposited with the Council under section 16 of the Building Act, 1984, the plan charge and inspection charge are to be aggregated for the purposes of calculating any refund or supplementary charge.
48. The payment of any refund or request for a supplementary charge will be accompanied by a statement setting out the reason for the assessment and the calculation of the refund or supplementary charge.
49. 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 of the Building Act 1984 (penalty for contravening building regulations) (as amended).
50. The Building (Local Authority Charges) Regulations 1998 are revoked by the Building (Local Authority Charges) Regulations 2010.
51. The London Borough of Tower Hamlets Building Regulations Charges Scheme No.1 1999 [as amended] made under the Building (Local Authority Charges) regulations 1998, will continue to apply to building work within the London Borough of Tower Hamlets area for which plans were first deposited or a building notice was given or a reversion charge became payable, or a regularisation certificate application was made, before the 1<sup>st</sup> October 2010.
52. Further information and advice concerning building regulation charges and the London Borough of Tower Hamlets Charging Scheme, can be obtained from

Building Control  
Mulberry Place (AH)  
PO Box 55739  
5 Clove Crescent  
London  
E14 1BY  
T 020 7364 5254

Signed.....

Dated 2010.

**London Borough of Tower Hamlets Charges Scheme 2010  
With effect from 1 October 2010**

**STANDARD CHARGES**

**Standard charges includes works of drainage in connection with the erection or extension of a building or buildings, even where those works are commenced in advance of the plans for the building(s) being deposited.**

**These standard charges have been set by the authority on the basis that the building work does not consist of, or include, innovative or high risk construction techniques (details available from the authority) and/or 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 undertaken by a person or company that is competent to carry out the design and building work referred to in the standard charges tables, that they are undertaking. If not, the work may incur supplementary charges.**

**If chargeable advice has been given in respect of any of the work detailed in these tables and this is likely to result in less time being taken by the authority then a reduction to the standard charge will be made.**

**Insert Tables for all Standard Charges**

**Note:** The above standard charges take into account the factors listed in paragraph 17 above and relate to standard productive hourly rates based on an assessment of standard productive time for providing chargeable services.

Where the Council has set a standard building regulation charge and the actual amount of work required of an officer of the Council is more than that which was originally determined and for which payment has been made, the Council will raise a supplementary charge in respect of any additional work carried out its officer. The request for any supplementary charge will be accompanied by a statement setting out the reason for the assessment and the calculation of the supplementary charge necessary. Similarly, where the amount of work required of an officer is less than that which was estimated, and where payment has been made, the Council will refund an amount equal to the charge attributable to the work that was not required. In either case, one hour of an officer's time may be disregarded.

**INDIVIDUALLY DETERMINED CHARGES**

Individually determined building regulation charges on a project by project basis are to be applied in respect of full plans, inspections, building notices, reversion applications, and regularisation applications where standard charges do not apply. The charges determined will be specified and confirmed in writing taking into account the factors listed in paragraphs 17 and 18 above. The charges may be increased or decreased depending on the assessment which will be specified and confirmed in writing.

Individual assessment of chargeable building regulation advice, on a project-by-project basis when projects arise, will be determined before such advice is given. The charge determined will be confirmed in writing taking into account the factors listed in paragraphs 17 and 18 above. The charge may be increased or decreased depending on the assessment which will be specified and confirmed in writing.

Note: Where the Council has determined a building regulation charge, and the actual amount of work required of an officer of the Council is more than that which was originally determined and for which payment has been made, the Council will raise a supplementary charge in respect of any additional work carried out its officer.

The request for any supplementary charge will be accompanied by a statement setting out the reason for the assessment and the calculation of the supplementary charge necessary.

Similarly, where the amount of work required of an officer is less than that which was estimated, and where payment has been made, the Council will refund an amount equal to the charge attributable to the work that was not required. In either case, one hour of an officer's time may be disregarded.