



Building Standards *customer charter 2011*

James McGinley **Building Standards Manager**



westlothian.gov.uk



CONTENTS

Section		Page
1.0	Introduction	4
2.0	Purpose of Building Standards Customer Charter	5
3.0	Who We Are	6
4.0	Pre-Application Discussions	8
5.0	Asking for Information or Advice	9
6.0	Submitting a Building Warrant Application	10
7.0	Once an Application Has Been Approved	12
8.0	To Keep Everyone Informed We Will	14
9.0	Works Carried Out Without Permission	15
10.0	Dangerous Buildings	16
11.0	Our Service Standards	17
12.0	Complaints Procedure	18

1.1 Every person can be said to come into contact with, and interact with, buildings throughout their lives. Be it their workplace, school or their home.

Building Standards is the legal process that ensures that, when new buildings are constructed or existing buildings altered, the minimum requirements for the health, safety and welfare of the people who come into contact with these buildings are met.

The Building Standards Division (BSD), formerly the Scottish Building Standards Agency (SBSA), on behalf of the Scottish Government, sets these standards and provides guidance as to how they may be complied with.

The majority of building work carried out within West Lothian requires consent from Building Standards before this work may be carried out. There are of course exceptions and these can be found in schedules 1 and 3 of the Building (Scotland) Regulations 2005.

It must be pointed out however that all works listed in schedule 3 must, when completed, comply fully with the Building (Scotland) Regulations 2005.

If at a later date it is found that these works do not comply, then Building Standards can take enforcement action against the owner and the person on whose behalf these works were carried out.

In addition to the above the enforcement action will entail making the building comply with the standards **CURRENTLY IN FORCE AT THE TIME OF ENFORCEMENT ACTION** and **NOT THOSE IN FORCE WHEN THE WORK WAS ACTUALLY CARRIED OUT.**

When an application for building warrant is made it is the intention of this Council that the application is assessed correctly and as quickly as possible.

2.1 This Charter aims to: -

- **Tell you who we are;**
- **Tell you what we do;**
- **Tell you the standard we aim to meet;**
- **Tell you what to do in the event we do not meet these standards;**
- **Give you the opportunity to raise issues that you think need addressing.**

3.0 WHO WE ARE

3.1 West Lothian, for the purpose of building standards, is split in to 8 individual sub areas with a Building Standards Surveyor responsible for all works within that sub area. (See Area map on following page)

3.2 The contact details and times that it is possible to meet these surveyors is noted below.

Building Standards Officers

areas covered, availability and contact details

Building Standards, County Buildings, High Street, Linlithgow, EH49 7EZ

Office hours **8.30-5.00 Monday - Thursday and 8.30 - 4.00 Friday**

Telephone **01506 282480**

Email **buildingstandards@westlothian.gov.uk**

Website **www.westlothian.gov.uk**

Officers are on site alternate days, please contact Building Standards for appointments.

Stephen Beveridge Building Standards Officer **01506 282396** **stephen.beveridge@westlothian.gov.uk**
Armadale, Avonbridge, Blackridge, Bridgecastle, Linlithgow Bridge, Linlithgow West, Torphichen and Westfield.

Donald Campbell Building Standards Officer **01506 282393** **donald.campbell@westlothian.gov.uk**
Dechmont, East Calder, Kirknewton, Livingston (Craigshill /Houston Industrial Estate/Oakbank), Mid Calder, Pumpherston, Uphall, Uphall Station and Wilkieston.

Stuart Currie Building Standards Officer **01506 282391** **stuart.currie@westlothian.gov.uk**
Addiewell, Breich, Harburn, Livingston (Bankton/Bellsquarry/Kirkton Campus/Murieston), Loganlea, Polbeth and West Calder.

Scott Davidson Building Standards Officer **01506 282400** **scott.davidson@westlothian.gov.uk**
Linlithgow East, Bridgend, Broxburn, Ecclesmachan, Newton, Philipstoun, Winchburgh, Threemiletown.

Ken Donoghue Building Standards Officer **01506 282392** **kenneth.donoghue@westlothian.gov.uk**
Livingston (Almondvale/Almondvale Centre/ Dedridge/ Eliburn/ Howden/Starlaw).

Michael Ingram Building Standards Officer **01506 282401** **michael.ingram@westlothian.gov.uk**
Livingston (Carmondean/Deans/Knightsridge/Ladywell) and Seafield.

Craig Johnstone Building Standards Officer **01506 282398** **craig.johnstone@westlothian.gov.uk**
Bathgate, Bangour, Boghall and Wester Inch.

Chris Rae Building Standards Officer **01506 282399** **chris.rae@westlothian.gov.uk**
Blackburn, East Whitburn, Fauldhouse, Greenrigg, Longridge, Stoneyburn and Whitburn.

District wide

Laura Shanks Assistant Building Standards Officer **01506 282390** **laura.shanks@westlothian.gov.uk**

Judi Ferguson Building Inspector **01506 282397** **judy.ferguson@westlothian.gov.uk**

Stephen Swan Building Inspector **01506 282394** **stephen.swan@westlothian.gov.uk**



MAP OF SURVEYORS SUB AREAS WITHIN WEST LOTHIAN

WEST LOTHIAN

BS Area Officers

November 2011

Building Standards,
County Buildings, High Street, Linlithgow, EH49 7EZ
Tel: 01506 282480
E-mail: buildingstandards@westlothian.gov.uk



Craig McCorriston 282443
Planning Services Manager
craig.mccorriston@westlothian.gov.uk

James McGinley 282395
Building Standards Manager
jim.mcginley@westlothian.gov.uk

Stephen Beveridge 282396
BS Officer
stephen.beveridge@westlothian.gov.uk

Donald Campbell 282393
BS Officer
donald.campbell@westlothian.gov.uk

Stuart Currie 282391
BS Officer

Scott Davidson 282400
BS Officer
scott.davidson@westlothian.gov.uk

Ken Donoghue 282392
BS Officer
kenneth.donoghue@westlothian.gov.uk

Michael Ingram 282401
BS Officer
michaelingram@westlothian.gov.uk

Craig Johnstone 282398
BS Officer
craig.johnstone@westlothian.gov.uk

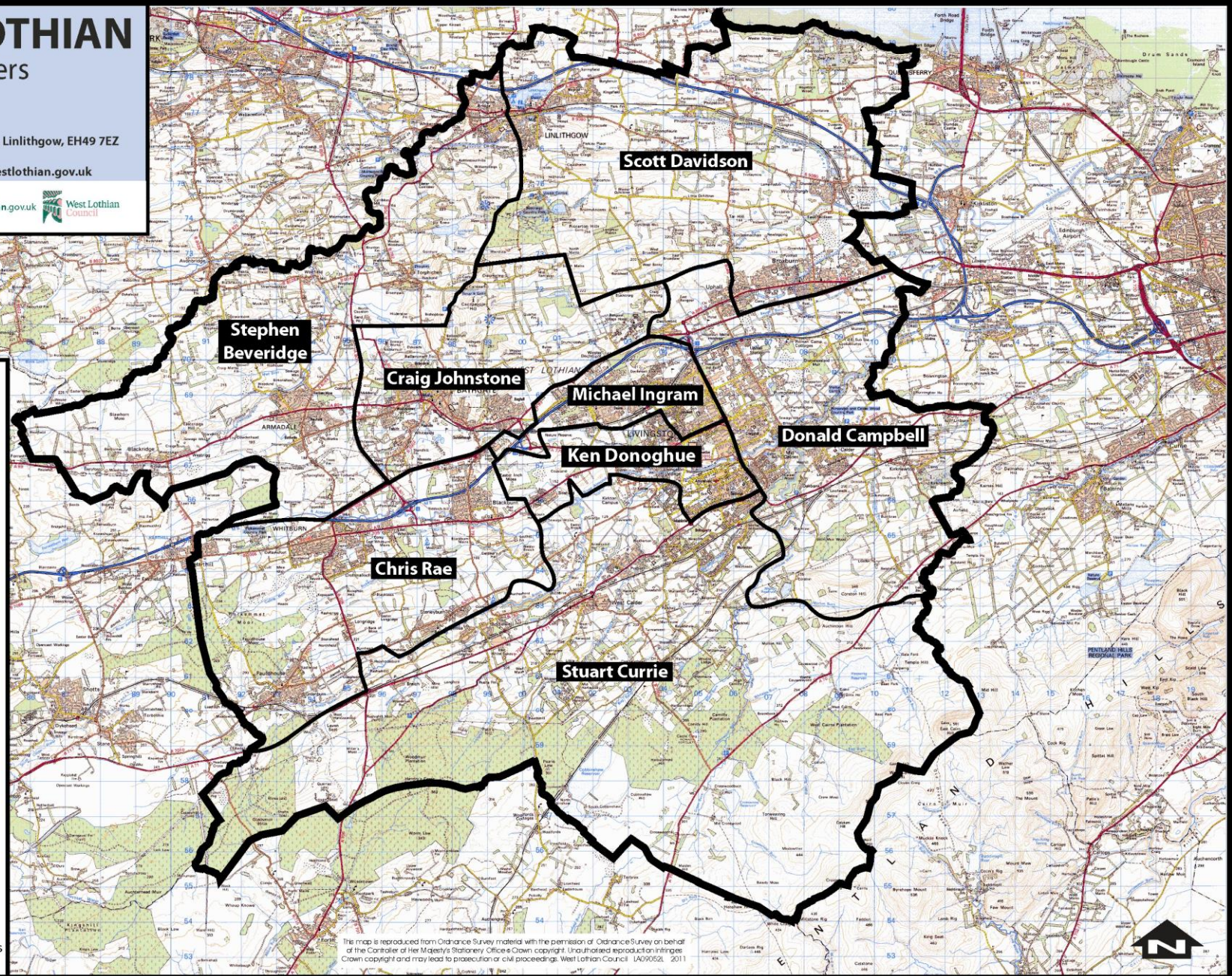
Chris Rae 282399
BS Officer
chris.rae@westlothian.gov.uk

Laura Shanks 282390
ABS Officer
laura.shanks@westlothian.gov.uk

Judi Ferguson 282397
Building Inspector
judy.ferguson@westlothian.gov.uk

Steven Swan 282394
Building Inspector
steven.swan@westlothian.gov.uk

Admin Staff 282480
General Inquiries / Appointments
buildingstandards@westlothian.gov.uk



The map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office's Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. West Lothian Council LA090521 2011

4.0 PRE-APPLICATION DISCUSSIONS

- 4.1** Pre-application discussions are welcomed so as to encourage high quality applications that comply with the Building (Scotland) Regulations 2005.

This also allows Building Warrants, when submitted, to be dealt with as quickly and efficiently as possible.

- 4.2** By having pre-application discussions it will ultimately save you and the Council time in assessing and approving your building warrant application.

It will pinpoint areas where compliance is not being achieved at an early stage, thus reducing costly mistakes in the design process.

- 4.3** Building Standards, if you require, can arrange joint meetings with other interested bodies such as Lothian & Borders Fire and Rescue Service, Scottish Environment Protection Agency, Development Control, Environmental Health, Licensing etc. to discuss your proposals in order that they can ultimately be given approval from all the relevant statutory bodies.

Advice given will be free and accurate but will be without prejudice to the formal consideration of your proposals.

- 4.4** Surveyors are available at County Buildings, High Street, Linlithgow, West Lothian during office hours which are:

Monday – Thursday 8.30am – 5.00pm

Friday 8.30am – 4.00pm

It is recommended that an appointment be made with the Building Standards Surveyor dealing with the area in which your application will be made. The contact details for this surveyor can be found in the previous section.

If an appointment is not made and the Building Standards Surveyor for the area where your application will be made is unavailable, you will be able to see the duty Building Standards Surveyor. They may not be able to answer your enquiry in full but every attempt will be made to do so or to ensure that it is followed-up timeously with the area surveyor.

- 4.5** If you are unable to call in to the office through disability or it may be preferable to discuss your proposals on site, a site visit can be arranged.

5.0 ASKING FOR INFORMATION OR ADVICE

5.1 We aim to provide a 10 working day response to letters, faxes and E-mails on applications, irrespective of whether a site visit is or is not necessary.

5.2 No acknowledgements will be given in respect of normal correspondence, the emphasis being placed on early replies within the above framework.

However Complaints concerning any aspect of the Building Warrant process will be acknowledged.

5.3 Telephone calls will be answered as quickly as possible. You should not be left on the end of an unanswered ringing telephone for any significant period of time.

Whilst every effort will be made to respond to your query, if the Building Standards Surveyor dealing with your application or area is not available it may be necessary to take your details and have the surveyor return your call as soon as practicable.

5.4 You will be called back within two working days. Although sometimes it will be necessary, indeed in your own interest, to put the substance of your query in writing and to then receive a written response.

6.1 It is the applicant's or agent's responsibility to make sure that the application is submitted correctly.

The application form must be completed correctly, signed and the appropriate fee must have been paid before an application can be registered.

A separate guidance note on "How to Apply for a Building Warrant" is available to assist you in applying for a Building Warrant.

Building Standards surveyors are also available to give assistance on how to submit an application. .

6.2 When you submit a Building Warrant Application we will aim to:-

- Register 80% of "valid" applications within 2 days and all "valid" applications within five working days of receipt;
- Notify you within five working days of receiving your application if it is "invalid" and explain what is required before it can be registered as "valid";
- Assess your application for compliance with the Building (Scotland) Regulations 2005 and notify you of the technical comments that require to be answered before a Building Warrant can be issued for 80% of application within 20 working days and 90% within 25 working days.
- Issue 80% of Building Warrant approvals within eight working days of receiving all necessary information;

6.3 For requests for a "Letters of Comfort" in respect of:-

- Building Warrant Applications which expired prior to a Certificate of Completion being obtained, or
- Unauthorised works for which a building warrant should have been obtained and which were completed, and can be proven to be completed, prior to the 1st May 2005, or
- Installation of replacement windows completed prior to the 1st May 2005, or

- Confirmation that works carried out were exempt from compliance with the building regulations

We will aim to respond to these requests within 10 working days.

See the separate Application Forms and Guidance Notes for details of this services available and fees payable.

7.1 Once an application has been approved and we have been notified that work is to commence we will carry out site visits to ensure that the building work complies with the Building (Scotland) Regulations 2005.

It is a statutory requirement that you must inform us when works reach certain stages so that inspections may take place. These stages are:

- Commencement of work (For details of how to notify us see the Guidance Note attached to your Building Warrant Approval);
- Open drain tests (if required)
- Final drain test (if required)
- Completion Inspection to accept completion submission

The number and frequency of the site visits out with those above will be determined by:-

- Whether we are notified that work has commenced in the appropriate manner.
- The value of the operations;
- The degree of supervision being carried out by the applicant's agent;
- Complexity of structure/nature of ground conditions;

In addition to these inspections we will discuss which further inspections (if any) may be required when we discuss the project on site after the commencement of works.

7.2 We aim to

- Carry out routine site visits, where requested, within three working days.
- Carry out drain inspections/tests within three working days.
- If site visits reveal departures from approved plans or there are areas of work which do not comply with the Building (Scotland) Regulations 2005

the applicant/agent, if not notified on site, shall be notified of them in writing within five working days of the site visit. It is the responsibility of the applicant or his agent to notify us when the works are ready for re-inspection.

7.3 We will keep full and accurate records of site visits and all drainage inspections or tests. The records shall indicate:-

- The date the inspection/test was carried out;
- Who carried out the inspection/test;
- What works were inspected and whether they were found to be in order
- Any departures from the approved plans;
- Note the areas of work which do not comply with the Building (Scotland) Regulations 2005

7.4 When an appropriate Certificate of Completion submission is received in the appropriate manner we will:-

- Carry out an inspection, or arrange a definite appointment to inspect the works within 10 working days for 90% of application.
- If faults are noted, the applicant/agent shall be notified of these in writing within 3 working days of the site visit in 80% of cases. Note: It is the responsibility of the applicant/agent to notify us when the works are ready for re-inspection.

7.5 When all work are found to have been completed in accordance with the approved plans and the Building (Scotland) Regulations; an acceptance of completion certificate will be mission is received we will:-

- Issue the acceptance within three working days of the inspection.

8.0**TO KEEP EVERYONE INFORMED WE WILL**

8.1 It is a requirement of the Building (Procedure) (Scotland) Regulations that we shall keep a register of all Building Warrant applications submitted to us.

This register shall be available for inspection by the public within office hours.

8.2 This register will be kept up to date with information relating to:-

- new applications;
- when applications are approved;
- when a Certificate of Completion is accepted

8.3 Make available the services of a technical assistant or surveyor (unless by prior appointment, it may be the duty Building Standards Surveyor) to provide information on current and previous Building Warrant Applications.

9.1 It is essential that all building work if not specifically exempt from requiring Building Warrant Approval is the subject of a Building Warrant Application.

As well as being a legal requirement, the absence of such an approval and subsequent Certificate of Completion will almost certainly affect the sale of property.

9.2 For details of building work relating to dwelling houses which are exempt see the separate guidance note "Do You Need a Building Warrant".

9.3 If it is brought to the Council's attention or it is suspected that unauthorised works are being carried out, the authority will

- Visit the site to ascertain the extent of the unauthorised works.
- If unauthorised works are being carried out, they will request that all work ceases until a Building Warrant has been applied for and granted.
- It may be the case that the work carried out does not comply with the Building Regulations. In this instance he will ask that the work carried out be removed.
- Any requests made will be confirmed in writing within five working days of the site visit.

9.4 If work does not cease or is not removed within the timescale given, action to have the unauthorised work altered or removed will be taken under Section 27 of the Building (Scotland) Act 2003.

This action will be taken against the person responsible for carrying out the unauthorised work or the building owner.

All costs borne by the Council will be recovered from the person concerned.

9.5 A person who fails to carry out the requirements of this notice is guilty of an offence under the Building (Scotland) Act and can, be liable on summary conviction to a fine not exceeding £5,000 and in the case of a continuing offence to a further fine of £50 for every day the offence continues.

9.6 If a member of the public was responsible for bringing the unauthorised works to our attention they shall be informed in writing within five working days of the initial site visit as to the course of action we have taken and will be updated as appropriate thereafter.

10.0 DANGEROUS BUILDINGS

10.1 The Building (Scotland) Act 2003 places a responsibility on Building Standards for the safety of the public around buildings and persons frequenting buildings.

10.2 All buildings reported as being dangerous and considered to be a danger to the public will be inspected on the same day as the complaint is received, including, if serious enough, at weekends.

10.3 All immediately dangerous buildings will be either made safe or adequately fenced off.

10.4 In the first instance, it will be the responsibility of the building owner to carry out the works deemed necessary by us.

If the owner fails to carry out our instructions, or can not be contacted readily, we will carry out the work necessary to make the building safe under Section 29 of the Building (Scotland) Act 2003 with costs being recovered from the owner.

10.4 Owners of buildings reported as being dangerous but on inspection found not to be of immediate danger shall be written to within two working days of the inspection outlining to them the works (if any) necessary to make their building safe.

10.5 The building owner will be given an appropriate time in which to carry out the necessary work.

10.6 Failure to adhere to this will result in enforcement action being taken under Section 30 of the Building (Scotland) Act to make the building safe.

This may ultimately result in the Council carrying out the work with all costs borne by the Council being recovered from the owner.

11.0 SERVICE STANDARDS

11.1 The Building Standards Service has service standards on the following:

- Applying for a Building Warrant
- Certificate of Completion
- Dangerous Buildings
- Letters of Comfort
- Site Inspections
- Unauthorised Alterations Or Works
- Assessment of a Building Warrant Application

The response times for all of these services are listed in the previous sections and copies of the actual documents can be requested from the service or downloaded from our website.

12.0 COMPLAINTS PROCEDURE

12.1 Any complaint in respect of Building Standards should preferably be made in writing to the Planning Services Manager.

A complaint is an expression of dissatisfaction, however made, which alleges failure on the part of the Council to perform a function or provide a service in line with stated Council practices and policies.

12.2 WHEN YOU HAVE A COMPLAINT WE WILL

Acknowledge complaints about the way Building Standards matters have been handled within three working days.

Forward the complaint to the appropriate section if it is not about Building Standards and notify the complainant of this fact.

Fully and promptly (normally within 10 days) investigate all complaints and give you a written response recording the outcome of the investigation and any action the Council proposes to take

12.3 COMPLAINTS METHODOLOGY

If you make a complaint it will be dealt with in the following manner:-

First Stage: The service provider (i.e. person at point of contact) will deal with the complaint initially and attempt to resolve the problem.

Second Stage: If you remain dissatisfied, the complaint, if not already in writing, should be formalised and will be dealt with by the Planning Services Manager.

Third Stage: If you still remain dissatisfied, the complaint can be passed to the Head of Development & Regulatory Services.

Fourth Stage: If the grievance still persists, the complainant will be referred to the Council's Chief Executive. If you remain unsatisfied with the Chief Executive's final response and you still wish to pursue the matter, you have the right to refer the complaint in writing to the Scottish Public Service Ombudsman. We will provide information on you should do this.

12.4 FURTHER INFORMATION

Fuller details and explanation of the complaints procedure are contained in the "Point of View" leaflet available from any West Lothian Council office.