

The Building [Local Authority Charges] Regulations 2010

MILTON KEYNES CITY COUNCIL CHARGING SCHEME

SCHEME FOR THE RECOVERY OF BUILDING REGULATION CHARGES AND ASSOCIATED MATTERS

January 2024



To be read in conjunction with the Building [Local Authority Charges] Regulations 2010, the 2010 edition of the CIPFA guidance for Local Authority Building Control Accounting, and the guidance in the Department for Communities and Local Government (CLG) Circular 01/2010 and CLG Circular letter to building control bodies dated 25 February 2010

Date this Scheme came into effect: 1st January 2024

SCHEME FOR THE RECOVERY OF BUILDING REGULATION CHARGES

Definitions

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

‘building’

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

‘building notice’

means a notice given in accordance with regulations 12(2)(a) and 13 of the Building Regulations 2010 (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 23 (requirements relating to thermal elements);
- (h) work required by building regulation 22 (requirements relating to a change of energy status);
- (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 have been deposited with the local authority, in accordance with section 16 of the Act (10) (a “plan charge”);
- (b) the inspection of building work for which plans have been deposited in accordance with the Principal Regulations and with section 16 of the Act (an “inspection charge”);
- (c) the consideration of a building notice which has been given to the local authority in accordance with the Principal Regulations (a “building notice charge”);
- (d) the consideration of building work reverting to local authority control under the Approved Inspectors Regulations (a “reversion charge”); and
- (e) the consideration of an application under regulation 21 of the Principal Regulations and the inspection of any building work to which that application relates (a “regularisation charge”).

‘dwelling’ includes a dwelling-house and a flat.

‘dwelling-house’ does not include a flat or a building containing a flat.

‘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 value added tax and professional fees

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

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

‘relevant person’ means:

- (a) in relation to a plan charge, inspection charge, reversion charge or building notice charge, the person who carries out the building work or on whose behalf the building work is carried out;
- (b) in relation to a regularisation charge, the owner of the building; and
- (c) in relation to chargeable advice, any person requesting advice for which a charge may be made pursuant to regulation 5(2).

Principles of this Scheme

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

- **A plan charge**, payable when plans of the building work are deposited with the Local Authority.
- **An inspection charge**, payable on demand after the authority carry out the first inspection in respect of which the charge is payable.
- **A building notice charge**, payable when the building notice is given to the authority.
- **A reversion charge**, payable for building work in relation to a building: -
 1. Which has been substantially completed before plans are first deposited with the Authority in accordance with Regulation 19(2)(a)(i) of the Approved Inspectors Regulations, or
 2. In respect of which plans for further building work have been deposited with the Authority in accordance with the Regulation 19(3) of the Approved Inspectors Regulations, on the first occasion on which those plans are or have been deposited.

A regularisation charge, payable at the time of the application to the authority in accordance with Regulation 18 of the Building Regulations.

- **Chargeable advice**, LAs can make a charge for giving advice in anticipation of the future exercise of their chargeable functions (ie before an application or notice is received for a particular case), which is payable after the first hour of advice, on demand after the authority has given notice required by Regulation 7(7) of the Building (Local Authority Charges) Regulations 2010 (ie the charge has been confirmed in writing following an individual determination). This charge can be discounted from a subsequent application or notice received for the work in question.

- The above charges are payable by the relevant person
- 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.
- The charge for providing a chargeable function or chargeable advice is based on the principle of achieving full cost recovery. The charges will be calculated by using the Council officers' average hourly rate, multiplied by the time taken to carry out the functions/advice, taking the following factors into account, as applicable, in estimating the time required by officers to carry out the function/advice:
 1. The existing use of a building, or the proposed use of the building after completion of the building work;
 2. The different kinds of building work described in regulation 3(1)(a) to (i) of the Building Regulations;
 3. The floor area of the building or extension;
 4. The nature of the design of the building work and whether innovative or high risk construction techniques are to be used;
 5. The estimated duration of the building work and the anticipated number of inspections to be carried out; the standard fees are based on the completion of work within two year of starting the project
 6. The estimated cost of the building work;
 7. Whether a person who intends to carry out part of the building work is a person mentioned in regulation 12(6)(a), 20(1) or 20A of the Building Regulations (i.e. related to competent person/self-certification/third party certification schemes);
 8. Whether in respect of the building work a notification will be made in accordance with regulation 41(4) of the Building Regulations (i.e. where design details approved by Robust Details Ltd have been used);
 9. Whether an application or building notice is in respect of two or more buildings or building works all of which are substantially the same as each other;
 10. Whether an application or building notice is in respect of building work, which is substantially the same as building work in respect of which plans have previously been deposited or building works inspected by the same local authority;
 11. Whether chargeable advice has been given which is likely to result in less time being taken by a local authority to perform that function;
 12. Whether it is necessary to engage and incur the costs of a consultant to provide specialist advice in relation to a particular aspect of the building work.

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

- Where the charge relates to an erection of a dwelling the charge includes for the provision of a detached or attached domestic garage or carport providing it is constructed at the same time as the dwelling.

- Where any building work comprises or includes the erection of more than one extension to a building, the total floor areas of all such extensions shall be aggregated to determine the relevant charge payable, providing that the building work for all aggregated extensions is carried out at the same time.

Exemption from charges

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

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

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

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

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

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

Information required to determine charges

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

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

Additional information may be required in relation to –

- The floor area of the building or extension
- The estimated duration of the building work and the anticipated number of inspections to be carried out.
- The use of competent persons or Robust Details Ltd.
- Any 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).

Establishing the Charge

The authority has established standard charges using the principles contained within The Building (Local Authority Charges) Regulations 2010. Standard charges are detailed in the tables set out later in this document. In the tables, any reference to number of storeys includes each basement level as one-storey and floor areas are cumulative. If the building works are not listed as a standard charge, the charge will be individually determined in accordance with the principles and relevant factors contained within The Building (Local Authority Charges) Regulation 2010. If the authority considers it necessary to engage and incur the costs of a consultant to provide specialist advice or services in relation to a particular aspect of building work, those costs shall also be included in setting the charge.

When the charge is individually determined the authority shall calculate the charge in the same way a standard charge was set by using the average hourly rate of officers' time, multiplied by the estimated time taken to carry out their building regulation functions in relation to that particular piece of building work and taking into account the applicable factors listed in regulation 7(5) of The Building (Local Authority Charges) Regulation 2010.

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

Individually Determined Charges

The following are examples of building works that will be subject to individually determined charges and are not covered by the standard charges set out later in this document;

- A reversion charge (this will always be included as an individually determined charge) or
- The work consists of a non-domestic extension or new build and the floor area exceeds 200m²
- The work consists of a domestic garage with a floor area over 60m²
- The work consists of the erection or conversion of more than one dwelling
- The work consists of the erection or conversion of dwellings where the total floor area of each dwelling exceeds 300m²
- A regularisation charge not listed in tables B & C
- The work consists of a domestic extension with a floor area over 100m²
- The work consists of a loft conversion with a floor area over 60m²
- The work consists of any other domestic alterations not set out in the standard charges
- The work consists of underpinning to any structure
- The work consists of a basement or any alterations within a basement
- Any other domestic work when the estimated cost of the work exceeds £50,000
- Any other non-domestic work when the estimated cost of the work exceeds £100,000

Where more than one standard charge applies to the building work and, with the agreement of the relevant person, the authority will establish the combined charge by an individual determination.

Other matters relating to calculation of charges

- Any charge payable to the authority, with the exception of Regularisation and Reversion charges, shall be paid with an amount equal to any value added tax (VAT) payable in respect of that charge at the prevailing rate.
- Charges are not payable for the first hour when calculating an advice charge
- In calculating these charges, refunds or supplementary charges, an officer hourly rate of £72.00 excluding VAT has been used.
- The authority accepts payment by instalment in respect of all building work where the total charge exceeds £2000. The authority, on request, will specify the amounts payable and dates on which instalments are to be paid
- Charges for LABC Partner Authority Scheme projects handled through the LABC Partnering Scheme agreement, and registered with LABC, will be negotiated individually between this Authority and other local authorities. Fees and costs will vary according to the scale and complexity of the project, category of work and whether this authority is in the Plan Checking Authority role or the Inspecting Authority role. Negotiations will follow the current LABC published guidelines.

Reductions

Reduced charges are shown in the tables of standard charges and reduced charges will also be made in relation to individually assessed charges when work, or the relevant part of the work, has been, or intends to be carried out by a person mentioned in regulation 6(a), 20(1) or 20A of the Principal Regulations in respect of that part of the work, (*i.e. competent person/self-certification schemes/third party certification schemes or other defined non-notifiable work*).

Any reduced charges that will be made in relation to individually assessed charges when a notification is made in accordance with regulation 41(4) of the Principal Regulations, (*ie where, for the purpose of achieving compliance with Requirement E1 of the Principal Regulations, design details approved by Robust Details Limited have been used*) are shown in the tables of standard charges and will also be considered in calculating individually determined charges.

The authority shall make a reduction in a standard or individually determined charge when chargeable advice has been given before receipt of an application or notice for proposed building work, which is likely to result in less time being taken by the local authority to perform the chargeable function for that work.

When it is intended to carry out additional building work on a dwelling at the same time that any of the work to which Table B relates, then the charge for this additional work shall be reduced by 25%, unless otherwise stipulated in Table C. Alternatively, the charge may be individually determined, with the agreement of the applicant.

Where in accordance with Regulation 7(5)(i) of the charges regulations one application or building notice is in respect of two or more buildings or building works, all of which are substantially the same as each other a 25% reduction in the standard plan / building notice and inspection) charge will be made.

Where in accordance with Regulation 7(5)(j) of the charges regulations 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, a 25% reduction in the plan / building notice and inspection) charge may be made.

Refunds and supplementary charges

Refunds: In exceptional circumstance a refund will be given minus a standard administration charge of £100 plus VAT plus the time spent on the application charged at £72 plus VAT an hour

Supplementary charges: If the details of the application have changed further than when the application was submitted, and/or greater time spent on inspections an additional charge of £72 plus VAT will be charged for the anticipated additional input.

Elapsed applications: Where an inspection is requested against an application where more than 3 years have elapsed since the previous inspection, an additional charge of £195 will apply (plus VAT where applicable).

Dangerous structures: Call out to dangerous structures may be charged at a hourly rate of £72.00 Monday to Friday 07.30 to 18.30, outside of standards hours may be charged at £108 from 18.30 to 07.30 Monday to Friday, all Saturday, Sunday and bank holidays. Any external costs from contractors engage to assist the building control team will be recharged at cost.

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 Council 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 and the Authority reserve the right to withhold a completion certificate where the full charge payable has not been received.

Complaints about Charges

If you have a complaint about the level of charges you should initially raise your concern with the relevant officer. The council 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 and can be viewed on the council's web site

www.milton-keynes.gov.uk/complaints

Transitional Provisions

The Building (Prescribed Fees) Regulations 1994 continue to apply in relation to building work for which plans were first deposited or a building or initial notice given before 1 April 1999.

The Council's scheme for the recovery of charges dated 1 April 1999 continues to apply in relation to building work for which plans were first deposited or a building or initial notice given between 1 April 1999 and 31 March 2000 (inclusive).

The Council's scheme for the recovery of charges dated 1 April 2000 continues to apply in relation to building work for which plans were first deposited or a building or initial notice given between 1 April 2000 and 31 March 2001 (inclusive).

The Council's scheme for the recovery of charges dated 1 April 2001 continues to apply in relation to building work for which plans were first deposited or a building notice given between 1 April 2001 and 31 March 2002 (inclusive).

The Council's scheme for the recovery of charges dated 1 April 2002 continues to apply in relation to building work for which plans were first deposited or a building notice given between 1 April 2002 and 31 March 2003 (inclusive).

The Council's scheme for the recovery of charges dated 1 April 2003 continues to apply in relation to building work for which plans were first deposited or a building notice given between 1 April 2003 and 30 June 2004 (inclusive).

The Council's scheme for the recovery of charges dated 1 April 2004 continues to apply in relation to building work for which plans were first deposited or a building notice given between 1 April 2004 and 31 March 2005 (inclusive).

The Council's scheme for the recovery of charges dated 1 April 2005 continues to apply in relation to building work for which plans were first deposited or a building notice given between 1 April 2005 and 31 March 2006 (inclusive).

The Council's scheme for the recovery of charges dated 1 April 2006 continues to apply in relation to building work for which plans were first deposited or a building notice given between 1 April 2006 and 31 March 2007 (inclusive).

The Council's scheme for the recovery of charges dated 1 April 2007 continues to apply in relation to building

work for which plans were first deposited or a building notice given between 1 April 2007 and 31 March 2008 (inclusive).

The Council's scheme for the recovery of charges dated 1 April 2008 continues 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, between 1st April 2008 and 30th September 2010 inclusive.

The Council's scheme for the recovery of charges dated 1 October 2010 continues 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, between 1 October 2010 and 30 April 2015 inclusive.

The Council's scheme for the recovery of charges dated 1 May 2015 continues 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, between 1 May 2015 and 13 May 2021 inclusive.

The Council's scheme for the recovery of charges dated 13 May 2021 continues 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, between 13 May 2021 and 31st December 2023 inclusive.

STANDARD CHARGES

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.

Plan and Inspection Charges

The plan charge and inspection charge are listed in the following tables.

Building Notice Charge

Where building work is of a relatively minor nature the Building Notice charge is the same as the total plan and inspection charge. In relation to more complex work the time to carry out the building regulation function is higher and the resultant additional costs of using the Building Notice procedure results in the higher charge as detailed in the following tables.

Reversion Charge/Regularisation charge

All reversion charges are individually determined.

Regularisation applications incur additional costs to Full plans and building notice applications. Some standard incidences are detailed in charges Tables B & C. All other charges are individually determined.

TABLE A
STANDARD CHARGES FOR THE CREATION OR CONVERSION TO NEW DWELLING (£)

The charge for dwelling with total floor area up to 300m² includes an attached or detached single storey garage up to 30m² floor area.

NEW DWELLINGS			
No	Full Plans		Building Notice Charge
	Plan Charge	Inspection Charge	
1	260	678	1032

For more than one dwelling and dwellings over 300m² the charges are individually determined.

STANDARD CHARGES FOR OTHER BUILDING WORK (£)

TABLE B
Domestic extensions to a single building

Description	Plan Charge	Inspection Charge	Building Notice Charge	Regularisation charge
Extension floor area up to 10m ²	260	210	517	705
Extension floor area exceeding 10m ² but not exceeding 40m ²	260	333	652	890
Extension floor area exceeding 40m ² but not exceeding 60m ²	260	625	974	1328
Extension floor area exceeding 60m ² but not exceeding 100m ²	260	678	1032	1407
Loft conversion that does not include the construction of a dormer	260	416	744	1014
Loft conversion that includes the construction of a dormer	260	625	975	1328
Erection or extension of a non exempt attached or detached domestic garage or carport up to 40m ²	260	105	402	548
Erection or extension of a non exempt attached or detached domestic garage or carport exceeding 40m ² but not exceeding 60m ²	260	200	506	690
Conversion of a garage to a dwelling to a habitable room(s)	260	130	430	585

Where the work is not covered in one of the tables the charge will be individually determined

TABLE C
Domestic alterations to a single building (£)

ALTERATIONS							
Category of Work		Basis of Charge	Plan Charge	Inspection Charge	Building Notice Charge	Reduction *	Regularisation charge
1.	The installation of any controlled fitting or other building work ancillary to the building of an extension.	Included in the charge for an extension.	N/A	N/A	N/A	N/A	
2.	Renovation of a thermal element to a single dwelling.	Fixed price per element.	260	Nil	260	N/A	390
3.	Internal alterations, installation of fittings (not electrical) and/or, structural alterations (If ancillary to the building of an extension no additional charge)	Fixed price based on estimated cost bands,					
		Estimated cost less than £5,000	260	Nil	286	N/A	390
		Estimated cost exceeding £5,000 up to £25,000	260	312	630	25%	858
		Estimated cost exceeding £25,001 and up to £50,000	260	521	859	25%	1712
4	Window replacement	Fixed price grouped by					

	(non competent persons scheme).	numbers of windows, Per installation up to 20 windows Per installation over 20 Windows.	260 260	Nil 104	260 400	25% 25%	390 546
5.	Electrical work (not competent persons scheme).	Fixed price based on estimated cost Estimated Cost up to £10,000	 380	 Nil	 420	 N/A	 570

*Details of any reduction for work carried out at the same time as work referred to in Table B

TABLE D**OTHER, NON DOMESTIC WORK - EXTENSIONS AND NEW BUILD (£)**

Category of Work	Basis of charge	Plan Charge	Inspection Charge	Regularisation Charge
1	Floor area not exceeding 40m ²	365	512	individually determined
2	Floor area exceeding 40m ² but not exceeding 100m ²	365	780	individually determined
3	Floor area exceeding 100m ² but not exceeding 200m ²	365	990	individually determined

TABLE E
ALL OTHER NON DOMESTIC WORK - ALTERATIONS (£)

NON DOMESTIC ALTERATIONS					
Category of Work		Basis of Charge	Plan Charge	Inspection charge	Regularisation charge
1.	The installation of any fitting or other work ancillary to the building of an extension.	Included in the charge for the building.	N/A	N/A	
2.	Window and Shop Front(s) Replacement (non-competent person's scheme).	Per installation up to 50 windows.	365	Nil	600
3	Renovation of a thermal element	Estimated cost up to £50,000	365	Nil	600
4	Other alterations not described elsewhere including structural alterations and installation of controlled fittings	Estimated cost up to £5,000	365	Nil	600
		Estimated cost exceeding £5,000 and up to £25,000	365	416	individually determined
		Estimated cost exceeding £25,000 and up to £50,000	365	625	individually determined
		Estimated cost exceeding £50,000 and up to £100,000	365	885	individually determined
5.	Installation of Mezzanine floor used solely for	Fixed price	365	260	individually determined

	storage purposes up to 300m ²				
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Charges where there is a change of use of a building or part of a building

Where the project involves a change of use of the whole, or part of, a building, the charges for the project will be individually determined.