

## **Application for building regulation approval**

### **Terms of engagement**

#### **Introduction**

East Hants District Council shall provide the services with reasonable skill, care and diligence. The council and any person delivering the building control function on its behalf are regulated by the building safety regulator and will provide the service in accordance with the building safety regulator's operational standards rules and the code of conduct for registered building inspectors.

#### **1. Client obligations**

1.1 The client or their appointed agents shall supply such information to East Hampshire District Council at such times as is reasonably required for the delivery of the services. Information shall include copies of the design drawings and calculations and all relevant site information including the location of sewers, presence of contaminates, etc.

1.2 The client shall notify East Hampshire District Council in writing of the appointment of an agent acting on behalf of the client or of any change, variation of services, and/or dismissal of the principal designer and/or principal contractor.

1.3 The client or their agent shall make available during normal working hours proper and safe access to the site for East Hampshire District Council to carry out inspections of work.

1.4 The client, designers and contractors shall be responsible for the planning, management and monitoring of the project, in accordance with part 2a of the building regulations, to ensure compliance with building regulations and all other relevant legislation. East Hampshire District Council shall take all reasonable steps to satisfy itself as to the project's compliance with the building regulations.

#### **2. Payment and fees**

2.1 The client shall pay East Hampshire District Council, for the performance of the services, the fees and charges as set out in our published fee schedule or as notified for bespoke fees.

2.2 The building control fees are based on East Hampshire District Council's published hourly rate and the time it can be reasonably expected for the council to fulfil its functions.

2.3 The council reserves the right to make additional inspection charges if the work proves to be more complex than it appears, or if work needs to be re-inspected, or where a project remains dormant for over one year and then the council is contacted for

an inspection. This charge is to cover the cost of the additional work involved in this process

### **3. Schedule of services**

3.1 East Hampshire District Council hereby agrees to provide the following building control service:

3.1.1 To register the building notice, application for building control approval with full plans, regularisation application or reversion application upon receipt of a fully completed and valid application, in accordance with the relevant sections of the building regulations.

3.1.2 To allocate a suitable registered building Inspector to oversee the application and/or supervise the activities of other surveyors.

3.1.3 To carry out statutory consultations and non-statutory consultations as appropriate to the project.

3.1.4 To the submitted application in accordance with the building regulation 14a and to issue the appropriate decision. A notice of rejection or a notice granting the application for building control approval with full plans subject to any requirements – for applications for building control approval with full plans only.

3.1.5 To make periodic visits to the site to determine compliance with the building regulations.

3.1.6 To issue a completion certificate (or regularisation certificate as appropriate) to the client at satisfactory completion of building works.

3.2 Whilst East Hampshire District Council may provide guidance or advice relating to designs and relevant statutory requirements, this does not make the council a designer. Responsibility for design rests solely with the client or their appointed consultants and contractors.

3.3 The services provided by East Hampshire District Council do not include managing the project to ensure compliance with the building regulations or quality control of the building work is achieved.

### **4. Insurance**

4.1 East Hampshire District Council maintains adequate insurance, as required, to comply with the guidelines issued by the Ministry of Housing, Communities and Local Government.

## **5. Notices**

5.1 Any notice to be given under this application shall be in writing and delivered by email or sent by post to the address shown in this application or to such other address as one party may have specified from time to time by written notice to the other.

5.2 Such notices shall be deemed to have been received on the day of delivery, or the next working day if delivery is made outside of standard working hours.

5.3 Where under this application an act is required to be completed within a specified period of days after or from a specified date, the period shall begin immediately after that date. Where the period would include a day which is a Christmas Day, Good Friday, or a day which under the Banking and Financial Dealings Act 1971 is a bank holiday, that day shall be excluded.

## **6. Use of information and data protection**

6.1 The Building Control functions provided by East Hampshire District Council are statutory functions. The information we require and maintain is set out in legislation, including the Building Act 1984 and the building regulations.

6.2 Full details of how we use your information and protect your privacy can be found on the East Hampshire District Council website at <https://www.easthants.gov.uk/privacy-policy>.

6.3 As part of the building control functions and activities, East Hampshire District Council are required to disclose project and personal details, including but not limited to plans, structural calculations and the name and address of the client or their appointed agents, to other regulatory authorities, other local authorities and to relevant statutory authorities or organisations in order to carry out statutory and non-statutory consultations to assess compliance with the building regulations.

## **7. Complaints**

7.1 In the event that the client or their appointed agents have a complaint in respect of the performance of East Hampshire District Council's building control service under this application, without prejudice to any other remedy available, they shall be entitled to have access to the complaints handling procedure maintained by East Hampshire District Council.

7.2 Full details of the complaints procedure can be found on the East Hampshire District Council website at <https://www.easthants.gov.uk/complaints>.

## **8. Planning permissions**

8.1 In all circumstances it is the client's responsibility to ensure all necessary planning approvals are gained, where applicable, and adhered to. East Hampshire District Council building control service holds no responsibility for checking such legislative approvals have been obtained, nor that any associated conditions are complied with.

8.2 It is the client's responsibility to ensure that compliance with requirements of the Town and Country Planning Act 1990 does not impact on compliance with the building regulations.

## **9. CDM Regulations**

9.1 In all circumstances it is the client's responsibility to ensure compliance with the Construction Design and Management Regulations 2015. A suitably qualified principal designer will need to be appointed prior to works commencing, where required.

## **10. Water authority approvals and conditions**

10.1 In all circumstances it is the client's responsibility to ensure all necessary water authority approvals and conditions are gained, where applicable, and adhered to.

## **11. Environment agency**

11.1 In all circumstances it is the client's responsibility to ensure all necessary environment agency approvals and conditions are gained, where applicable, and adhered to.

## **12. Contamination**

12.1 In all circumstances it is the client's responsibility to ensure all associated legislations, approvals and conditions regarding contamination are adhered to.