

Appendix 1 – Services in Scope

The scope of services to be those functions included within the remit of the teams listed below:

- Building Control
- Local Land Charges and property searches
- Street Naming & Numbering
- Planning Liaison
- Planning Support

These services are responsible for a number of planning and building control functions and discharge the Council's statutory duties in respect of buildings as covered in the following legislation:

- Local Authorities (Functions & Responsibilities) (England) Regulations 2000 Building Act 1984
- Building Regulations 2010
- Building (Approved Inspectors) Regulations 2010
- Public Health Act 1961
- Local Government (Miscellaneous Provisions) Act 1976
- Land Drainage Act 1991
- Local Land Charges Act 1975
- Local Land charges Rules 1977
- The Local Authorities (charges for Land searches) Regulations 1994
- The Constitutional Reform Act 2005
- Public Health Act amendments Act 1907
- Town & Country Planning Act 1947
- Town & Country Planning Act 1990

The functions of each team to be included are as follows:

Building Control

All those functions set out in the Local Authorities (Functions & Responsibilities) (England) Regulations 2000 which relate to Building Control including;

Building Regulations

- The passing or rejection of plans of proposed work deposited with Building Regulations or passing them subject to conditions, under the provisions of Section 16 of the Building Act 1984, subject to any other section of this Act or any other Act that expressly requires or authorises the rejection of such plans in certain cases.

- The declaration by notice that the deposit of plans is of no effect under the provisions of Section 32 of the Building Act.
- The dispensation with the requirements of the Building Regulations in appropriate cases.
- Dealing with applications for Regularisation certificates in respect to unauthorised building work
- The serving of notice to open up work in cases where a person carrying out building work neglects to notify the Council of the stages of work referred to in Regulation 14 of the Building Regulations 2010.
- The taking of enforcement action in cases where the provisions of the Building Regulations and other related legislation have not been complied with, including instituting proceedings in the Magistrates Court for contraventions of the Building Regulations
- Supervision of Building work etc otherwise than by Local Authorities
- The receipt and acceptance or rejection, on prescribed grounds AND , where appropriate, of the various notices referred to in Part II of the Building Act 1984 and the Building (Approved Inspectors) Regulations 2010 in connection with the supervision of plans and works by approved inspectors
- Setting of charges in accordance with The Building (Local Authority Charges) Regulations 2010
- The Power to enter premises under section 95 of the Building Act 1984.
- Authorising any officer or agent of the council to enter land under section 95 of the Building Act 1984

Dangerous Structures

- Dealing with dangerous structures by:- (i) Taking action under Section 77 of the Building Act 1984 to secure the removal of dangerous conditions in buildings or structures including application to Magistrates Court for an order to remove such dangerous conditions
- Take emergency action under section 78 of the Building Act 1984 in such cases where immediate action is necessary to remove danger
- Dealing with ruinous and dilapidated buildings and neglected sites by taking action under section 79 of the Building Act 1984

Demolitions

- Dealing with private demolitions of the whole or part of a building or buildings by taking action under section 81 of the Building Act 1984
- Sections 80-83 of the Building Act controls demolition works and anyone wishing to demolish should contact the local authority as a matter of course. The Building Control Team will advise and carry out the necessary site inspections before, during and after the demolitions occur.

Drainage

- Power to specify the amount to be incurred by a local authority in repairing drains and remedy of stopped up drains as required by section 17 of the Public Health Act 1961 and the power to cleanse or repair drains under section 22 of the Public Health Act 1961
- Authorising and serving any notice or requirement under Section 59 of the Building Act 1984(Drainage of a building) and the subsequent enforcement of such notice together with recovery of expenses reasonably incurred by the council
- All functions of the Council under sections 35 of the Local Government (Miscellaneous Provisions) Act 1976
- All functions of the Council under sections 45-52, 140-141 and 260-267 of the Public health Act 1936
- The authority to perform the duties required of the Council under Sections 60 to 68 of the Building Act 1984

Land Drainage

- All functions of the Council under the Land Drainage Act 1991

Competent Persons schemes

- Where the government have created a self-certification for approval under the Building Regulations it has laid down a requirement that those approved under this scheme shall notify the Authority of any such installation or works. This process is known as a competent person scheme and currently covers areas such as gas or some electrical installations.

Approved Inspector Regulations

- The acceptance of an initial notice as required under section 47 of the Building Act 1984.

- Maintaining a register of initial notices as required under section 56 of the Building Act 1984.

Land Charges & Property Searches

Local Land Charges

- To support the Housing and Conveyancing market by producing information in a fast, efficient and cost effective manner. Providing transparency to homeowners in relation to the progression of their searches and to support the needs of the conveyancing market in reducing delays arising in the processing of land and property transactions within Cheshire East.
- Functions enable under the Local Land Charges Act 1975 which came into effect on 1st August 1977 along with the Local Land charges Rules 1977. Further legislation in 1994 provided Councils with the ability to make charges for answering enquiries (other than pursuant to the Local Land Charges Act 1975). Charges being made at the discretion of the charging authority.
- Local Land Charges Legislation and Guidance documentation:
 - Local Land Charges Act 1975 (as amended) in effect from 1st August 1977
 - Local Land charges Rules 1977 (as amended) in effect from 1st August 1977
 - The Local Authorities (charges for Land searches) Regulations 1994 -
 - The Constitutional Reform Act 2005 – devolved to local authorities to set fees for Local
 - Guidance for registering authorities on setting fees for Local Land Charges services in England (January 2007)
 - Garner's Local Land Charges (edition 14)

Property Search Service

- This service was set up in August 2010 to meet the needs of the EU Directive (FOI/EI Regulations) in which personal search companies can seek to view the data held by the Local Authority to compile property search results.

- Search information provided has to still comply with legislation under the Local Land Charges Regulations.
- The service provision, separate to the Local Land Charges department ensures there are no anti-competitive behaviours in processing search requests for either party (income and non income requests) and that we complied with the Regulations under FOI/EIR of compiling Non fee paying responses within 20 working days

Street Naming & Numbering

Street Naming & Number

- To ensure implementation and compliance with the statutory powers and Legislation with regard to Street Naming and Numbering within Cheshire East.
- Ensuring all properties and streets are officially addressed in accordance with the various Legislation and guidelines. Provide accurate address formats for a variety of third party data users including all of the emergency services, Royal Mail, Land Registry, Council Tax, etc
- Performance indicators are in place and submitted weekly with key performance tables returned to enable comparison of the NLPG against LLPG
- Street Naming & Numbering Legislation and Guidance documentation:
 - Sect 17 of the Public health Act 1925
 - Section 19 of the Public Health Act 1925
 - Sect 21 of the Public Health Act amendments Act 1907 for the purposes of naming streets
 - Section 11 of the Cheshire County Council Act 1980 in relation to the numbering of properties
 - Street Naming and Numbering Policy and Procedures adopted by Cheshire East
 - Compliance with Data Entry Conventions
 - Best Practice for national Land and Property Gazetteer DEC-NLPG (produced by Geospace)

Planning Liaison & Administration

- Providing a day to day front line service co-ordinating and responding to a variety of enquiries including:

- Councillors
- General public re complex Planning enquiries and subsequent correspondence
- Pre Application submissions.
- Planning Technician's Legislation and Guidance documentation:
 - Town & Country Planning Act 1947 - came into effect - 1 July 1948
 - Town & Country Planning Act 1990
 - DCLG Permitted Development technical guidance

Planning Technicians

- In accordance with the Town & Country Planning Act 1947 Processing and validating all Planning applications submitted to Cheshire East.
- Providing an efficient and effective service delivery to both the public and the Planning department alike
- Communicating with Developers and the public as required to help facilitate and support validation of applications
- Responsible for co-ordination and performance of Freedom of Information requests, complaints and Councillor queries
- Planning Technician's Legislation and Guidance documentation:
 - Town & Country Planning Act 1947 - came into effect - 1 July 1948
 - Town & Country Planning Act 1990
 - Cheshire East Validation checklists
 - Bio Diversity guidelines