

Appendix E- Building Regulation Charges Scheme No 4:2021

CITY OF LONDON

The Building (Local Authority Charges) Regulations 2010

*Derivation
(see footnote)

Regulation No
1

BUILDING REGULATIONS CHARGES SCHEME No. 4, 2021

1. This scheme may be cited as the Building Regulations Charges Scheme No. 4, 2021 of the City of London Corporation (the Charges Scheme) and shall come into force on 3rd May 2021.

INTRODUCTION

3(1)

2. The Charges Scheme is made under the Building (Local Authority Charges) Regulations, 2010 (the Charges Regulations). The Charges Scheme includes following paragraphs, the definitions in paragraph 5 below and the tables of charges set out in Annex A. Where clarification of the Charges Scheme is required reference should be made to the Charges Regulations. The numbers in the margin represent the relevant regulation.
3. The City of London Corporation is authorised, subject to and in accordance with the Charges Regulations, to fix charges by means of the Charges Scheme and to recover such charges as it determines for or in connection with the performance of its functions relating to building regulations, as provided by the Charges Regulations.
4. The City of London Corporation is authorised, subject to and in accordance with the provisions of the Charges Regulations, to amend and to revoke and replace any scheme which has been made by it.

DEFINITIONS

2

5. The following definitions apply to the Charges 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 Principal Regulations;

"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 of the principal regulations (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);

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Appendix E- Building Regulation Charges Scheme No 4:2021

Regulation No

"chargeable function" means a function relating to the following –

- a) the passing or rejection of plans of proposed building work which has been deposited in accordance with section 16 of the Building Act 1984 (as amended) - (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 Building Act 1984 (as amended) – Inspection Charge
- c) the consideration of a building notice which has been given in accordance with the Principal Regulations – Building Notice Charge)
- d) the consideration of building work reverting to the Council under the Building (Approved Inspectors etc.) Regulations 2010 (as amended) – (Reversion Charge)
- e) the consideration of a regularisation application submitted under regulation 18 of the Principal Regulations – (Regularisation Charge).

"chargeable advice" is a charge made 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 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;

"estimate" in relation to the cost of carrying out building work, means an estimate, accepted by the local authority, of such reasonable amount as would be charged for the carrying out of that building work by a person in business to carry out such building work (excluding the amount of any value added tax chargeable);

"estimated cost of building work" means the estimated cost of that work which requires approval for building regulations by the City of London Corporation. If appropriate the City of London Corporation may require estimates to be aggregated or disaggregated to establish the appropriate charge;

"extension" means an extension which has no more than three storeys, each basement level (if any) counting as one storey;

"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.

"the Principal Regulations" means the Building Regulations 2010 as amended from time to time;

"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.

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Appendix E- Building Regulation Charges Scheme No 4:2021

Regulation No	<u>SUMMARY OF BUILDING REGULATIONS FUNCTIONS AND CHARGES</u>
5(1)	<p>6. The City of London Corporation has determined:</p> <ul style="list-style-type: none">a) plan charges for or in connection with the passing or rejection of plans of proposed building work deposited with them in accordance with Section 16 of the Building Act 1984;b) inspection charges for or in connection with the inspection of building work for which plans have been deposited in accordance with the Principal Regulations and with Section 16 of the Building Act 1984;c) building notice charges for or in connection with the consideration of a building notice which has been given to the City of London Corporation in accordance with the Principal Regulations. <p>The charges for the foregoing functions are as set out in the attached tables in Annex A.</p>
5(2)	<p>7. The City of London Corporation is also authorised within its Charges 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 in providing such chargeable advice.</p>
6(3)	<p>8. This Charges 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 City of London Corporation from performing chargeable functions and providing chargeable advice (referred to as “chargeable income”) as nearly as possible equates to the costs incurred by the City of London Corporation in performing chargeable functions and providing chargeable advice (referred to as “chargeable costs”). At the end of the financial year within which the City of London Corporation first made this Charges Scheme and of each subsequent financial year, the City of London Corporation will conduct a review of the level of charges set out under this Charges Scheme for the purpose of achieving the Charges Scheme’s objective above.</p>
6(2)	<p>9. Immediately following the review of the level of charges, the City of London Corporation 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 City of London Corporation’s Section 6 Officer and will be published not more than six months after the end of the financial year to which the statement relates.</p>
6(4-6)	<p>10. Each charge determined within the Charges 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 clause 8 above. Where this Charges Scheme is first made and takes effect at any time other than the beginning of a financial</p>

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Appendix E- Building Regulation Charges Scheme No 4:2021

	<p>year, the City of London Corporation 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 2010 continues to have effect.</p>
Regulation No	11. The costs of providing City of London Corporation building regulation services in relation to chargeable functions or chargeable advice has been calculated using the hourly rate at which the time of its officers will be charged and the factors which have been taken into account 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).
6(7-8)	
	12. The hourly rate of the City of London Corporation building regulation officers is set out herewith: £112.
7(1-2)	13. Where the City of London Corporation consider 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 Charges Scheme.
7(4)	
7(3)	14. 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 City of London Corporation has taken some or all of the following factors into account:
7(5)	<ul style="list-style-type: none"> 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 Principal Regulations. (<i>see definition of 'building work' in clause 5 above</i>); c) the floor area of the building or extension. (<i>see definitions of 'floor area of a building or extension', 'total floor area of a building' and 'total floor area of an extension' in clause 5 above</i>); d) the estimated duration of the building work and the anticipated number of inspections to be carried out. e) the estimated cost of the building work.
7(5)	15. 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 City of London Corporation will take some or all of the following additional factors into account in assessing the charges
	<ul style="list-style-type: none"> f) the nature of the design of the building work and whether innovative or high-risk construction techniques are to be used; 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 3 of the Principal Regulations; or is carrying out the descriptions of work where no building notice or deposit of full plans is required under schedule 4 of the Principal Regulations both as

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Appendix E- Building Regulation Charges Scheme No 4:2021

Regulation No

5(2)

- mentioned in building regulation 12(6);
- 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;
 - 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 City of London Corporation.
 - k) whether chargeable advice has been given which is likely to result in less time being taken by the City of London Corporation 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.
16. On receipt of an application or notice relating to particular building work or building work of particular descriptions, the City of London Corporation in determining its building regulation charges by reference to a standard charge published in the scheme (see schedule of standard charges listed in Annex A), has taken into account the factors listed in clause 14 above
17. On receipt of a request for advice, an application or notice relating to particular building work or building work of particular descriptions, the City of London Corporation 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 B), will take into account the factors listed in clauses 14 and 15 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.
18. 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.
19. **The sum of the plan charge and the inspection charge is equal to the building notice charge. With the exception of those circumstances detailed in paragraphs 14, 21, 22 and 24 below, the plan charge is 40% of the building notice charge and the inspection charge is 60% of the building notice charge.**
20. The preceding paragraphs 6, 8, 9 and 10 are subject to paragraph 21 below.
21. Where:
- a) 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; or
 - b) 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 approved or building works inspected by the City of London Corporation and where the City of London Corporation is satisfied that the owner of the plans who deposits them or who gives a building notice in respect of them is the same person who originally

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Appendix E- Building Regulation Charges Scheme No 4:2021

Regulation No

deposited the plans or gave a building notice in respect of them, a reduction not exceeding 30% in the plan charge or building notice charge payable may be applied and a reduction not exceeding 30% in the inspection charge payable may also be applied, but only at the absolute discretion of the City of London Corporation.

22. **Where the appropriate total charge is £800 or below a plan charge is payable, which incorporates that charge which would be made for an inspection of building work, although no separate inspection charge is made.**
23. Standard charges set in accordance with clause 14 above are shown on Table 1 in annex A.
24. The following applications may be dealt with by individually assessed charges in accordance with clauses 14 & 15 above.
- a) Full Plans (both the passing or rejection of plans and the associated inspections) where the cost of the work exceeds £1m.
 - b) Building Notice where the cost of the work exceeds £1m.
 - c) All stand alone new buildings.
 - d) Reversion for or in connection with the consideration of building work reverting to the control of the City of London Corporation.
 - e) Regularisation submitted under regulation 18 of the Principal Regulations (unauthorised building work).
- For these applications, the plan charge and the inspection charge will be advised on an individual basis.**
25. Where building work comprises -
- a) the installation of cavity fill insulation in accordance with Part D of Schedule 1 to the Principal Regulations where the installation is not certified to an approved standard or is not installed by an approved installer or is not part of a larger project comprising other building work; or
 - b) the installation of an unvented hot water system in accordance with Part G of Schedule 1 to the Principal Regulations where the installation is not part of a larger project comprising other building work,
- the City of London Corporation has fixed its charges by reference to the estimated cost of the building work only, and no plan charge will be made in respect of such building work.
26. Where building work comprises:
- a) the installation of cavity fill insulation in accordance with Part D of Schedule 1 to the Principal Regulations where the installation is

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Appendix E- Building Regulation Charges Scheme No 4:2021

		<p>certified to an approved standard, or is installed by an approved installer or is part of a larger project comprising other building work; or</p> <p>b) the installation of an unvented hot water system in accordance with Part G of Schedule 1 to the Principal Regulations where the installation is part of a larger project comprising other building work, no charges will be made in respect of such building work.</p>
4(1)	27.	The City of London Corporation 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-
Regulation No		<p>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</p> <p>b) for the purpose of providing accommodation or facilities designed to secure the greater health, safety, welfare or convenience of the disabled person.</p>
4(2)	28.	The City of London Corporation 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 and as outlined in clause 6 (b) above, where such work consists of-
		<p>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</p> <p>b) the provision of extension of a room which is or will be used solely-</p> <p style="padding-left: 20px;">(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</p> <p style="padding-left: 20px;">(ii) for the storage of medical equipment for the use of the disabled person, or</p> <p style="padding-left: 20px;">(iii) to provide sleeping accommodation for a carer where the disabled person requires 24-hour care.</p>
4(3)	29.	The City of London Corporation 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-
		<p>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</p> <p>b) for the provision of facilities designed to secure the greater health, safety, welfare or disabled persons.</p>
4(4)		<i>Note: 'disabled person' means a person who is within any of the descriptions of persons to whom Section 29(1) of the National Assistance</i>

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Appendix E- Building Regulation Charges Scheme No 4:2021

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.

PAYMENT OF CHARGES

8(1)a	30.	Any plan charge shall be payable when the plans of the building work are deposited with the City of London Corporation but see also clause 40 below.
8(1)b Regulation No	31.	Any inspection charge shall be payable on demand made after the City of London Corporation carries out the first inspection in respect of which the charge is payable but see also clause 40 below.
8(1)c	32.	Any building notice charge shall be payable when the building notice is given to the City of London Corporation.
8(1)d	33.	Any reversion charge shall be payable for building work in relation to a building: <ul style="list-style-type: none"> i) which has been substantially completed before plans are first deposited in accordance with regulation 19(2)(a)(i) of the Building (Approved Inspectors etc.) Regulations 2010 as amended; or ii) in respect of which plans for further building work have been deposited with the City of London Corporation in accordance with regulation 19(3) of the Building (Approved Inspectors etc.) Regulations 2010 as amended, on the first occasion on which those plans are deposited.
8(1)e	34.	Any regularisation charge shall be payable at the time of the application to the City of London Corporation in accordance with regulation 18 of the Principal Regulations (unauthorised building work).
8(1)f	35.	Any charge for chargeable advice shall be payable on demand after the City of London Corporation 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 clauses 14 and 15 above.
8(1)g	36.	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 (<i>see definition, clause 5 above</i>).
Regulation No 8(1)h	39.	Any plan charge, inspection charge, building notice charge which is payable to the City of London Corporation shall be paid together with an amount equal to any value added tax payable in respect of that charge.
8(1)i	40.	Part of any charge which is payable to the City of London Corporation, may, at its absolute discretion, be paid in instalments of such amounts payable on such dates as the City of London Corporation shall specify.
8(1)j	41.	There is no entitlement to a complete refund of any regularisation charge paid, if the City of London Corporation, after incurring costs, subsequently cannot determine what work is required to comply with the relevant requirements.

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Appendix E- Building Regulation Charges Scheme No 4:2021

8(1)h	42.	Where a plan charge has been paid and not refunded, the City of London Corporation may in any case they consider reasonable, decide not to make a further plan charge in respect of plans subsequently deposited for substantially the same building work.
11(1)	43.	Where for any reason the City of London Corporation 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.
Regulation No		
11(2)	44.	No refund will be given by the City of London Corporation 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 City of London Corporation duty under that section.
11(3)	45.	Where the City of London Corporation has determined a charge in relation to a chargeable function or chargeable advice, payment of the charge has been made to the City of London Corporation and the actual amount of work required of an officer of the City of London Corporation is less than that which was originally assessed, the City of London Corporation (subject to clause 49 below) will make a refund in respect of the proportion of the charge relating to the excess payment.
11(4)	46.	Where the City of London Corporation has determined a charge in relation to a chargeable function or chargeable advice, payment of the charge has been made to the City of London Corporation and the actual amount of work required of an officer of the City of London Corporation is more than that which was originally estimated in the assessment, the City of London Corporation (subject to clause 49 below) may raise a supplementary charge in respect of any additional work carried out its officer.
11(5)	47.	In relation to the assessment of a refund or supplementary charge, the City of London Corporation may discount one hour of an officer's time from the calculation of the refund or, as the case may be, the supplementary charge.
11(6)	48.	Where in respect of plans deposited with the City of London Corporation 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.
11(7)	49.	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.
	50.	Plans which are deposited otherwise than in accordance with the requirement imposed under paragraph 24 above or an agreement under paragraph 30 above are not deposited in accordance with building

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Appendix E- Building Regulation Charges Scheme No 4:2021

	<p>regulations for the purposes of section 16 of the Act; and a building notice given otherwise than in accordance with a requirement imposed under paragraph 26 above or an agreement under paragraph 30 above is not validly given for the purposes of the Principal Regulations.</p>
	<p>51. 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 City of London Corporation 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.</p>
	<p>52. The City of London Corporation is authorised to require the supply of any information where such information is necessary to determine any building regulation charge listed in clause 9 above.</p>
	<p>53. The City of London Corporation 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:</p> <p>The District Surveyor & Environmental Resilience Director Department of the Built Environment Guildhall London EC2P 2EJ</p> <p>Telephone: 020 7332 1000 Fax: 020 7332 1968 email: district.surveyor@cityoflondon.gov.uk</p>
11(2)	<p>54. Where building work reverts to the control of the City of London Corporation any plans relating to that building work given to the City of London Corporation in accordance with regulation 19 of the Building (Approved Inspector etc) Regulations 2010 as amended, shall be accompanied by a current estimate in writing of the cost of that building work.</p>
13	<p>55. Contravention 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).</p>

Regulation No

TRANSITIONAL PROVISIONS AND REVOCATION

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Appendix E- Building Regulation Charges Scheme No 4:2021

15(2-3)

56. The Building Regulations Charges Scheme No. 3. 2020 of the City of London Corporation made under the Building (Local Authority Charges) Regulations, 2010 will continue to apply to building work within the City of London Corporation area for which plans were first deposited or a building notice was given or a reversion charge became payable, or a regularisation certificate was made, before 3rd May 2021.

INFORMATIVE

12(3)

57. Further information and advice concerning building regulation charges and the Building Regulations Charges Scheme, can be obtained from:

The District Surveyor & Environmental Resilience Director
Department of the Built Environment
Guildhall
London EC2P 2EJ

Telephone: 020 7332 1000
Fax: 020 7332 1968
email: district.surveyor@cityoflondon.gov.uk

Signed:

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(The officer appointed for this purpose)

Dated:

* Derivation = Building (Local Authority Charges) Regulations 2010.

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