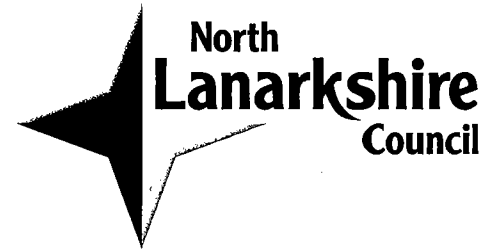


Contact: Bill Dodds
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Date: 24 June 2005
Our Ref: N/BC/86/01 BD/KM
Your Ref: LS/83/10/JIN/SMc



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Planning & Environment

David M Porch, Director
Northern Area Office,
Fleming House,
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Cumbernauld G67 1JW
www.northlan.gov.uk

Dear Sir,

Unauthorised Alterations (Letters of Comfort) – Procedures

I refer to your letters of 21 April and 18 May 2005.

Firstly I must apologise for the delay in replying.

As you are aware the new Buildings Standards System was introduced in Scotland on 1 May of 2005. North Lanarkshire Council like many other authorities has been reviewing their services in light of the new legislation and guidance being offered by the newly formed Scottish Building Standards Agency.

I am now in a position to provide you with North Lanarkshire Council's position relative to unauthorised works. Please find attached the text of a letter, which I have today circulated to all Solicitors within our geographical area and who have used North Lanarkshire Council's building control enquiry system in the past.

I trust this clarifies matters but should you wish to discuss any of the content please do not hesitate to contact me.

Yours Faithfully,

A handwritten signature in black ink, appearing to read "David M Porch".

David M Porch
DIRECTOR OF PLANNING & ENVIRONMENT

Handwritten initials "DP" in black ink, located to the left of the typed name.

On 1 May 2005 the new Building (Scotland) Act 2003 came into force. This Act continues the requirement to obtain a building warrant before carrying out most building or conversion work. When a building is completed North Lanarkshire Council must approve a Certificate of Completion before it is occupied or used for the first time. It is an offence to carry out such work or conversion, or occupy or use a building without these approvals.

The new Act, however, introduces changes which allow an owner to rectify a situation where these approvals have not been obtained. These legislative changes affect the way North Lanarkshire Council can provide its services to facilitate property transactions.

Unauthorised Work

Where building work has taken place without statutory consent, the new Act gives an option of submitting a late Completion Certificate. It is the regulations at the date of submission that apply and full documentation such as drawings, specifications and fee will be required. The fee payable in respect of late Building Warrant/Completion Certificate applications is the current building warrant application fee based on the value of works plus an additional 25%. It is not likely that this late submission will be practical for most cases and over time will be even less so.

On the submission of a late Completion Certificate, relevant formal consultation may then take place e.g. with fire brigade. This is to verify that the work is in accordance with the building regulations in force at the time of the submission. It is also likely that elements of the work will have to be opened up for inspection.

Prior to any inspection, the plans and specifications will be assessed in the same way as an application for building warrant against the **current** building regulations. This may require remedial works to be identified on the plans and arrangements to be made to inspect the regularised work before the Completion Certificate can be accepted.

For those involved in property transactions, these changes will considerably affect the processing procedures and time required to regularise and obtain acceptance for unauthorised building work.

Building Control Enquiry System

Where the work or conversion was carried out **prior** to 1 May 2005 and the owner does not wish to follow the late Completion Certificate procedure described above the Building Control Section may be willing to provide the following services for which North Lanarkshire Council has set charges.

- Issue of a Clearance Document (Letter of Comfort) in cases where building works have been completed and a Building Warrant is not available.
- Issue of a Clearance Document for cases where a Building Warrant was granted but no Certificate of Completion is available

The Building Control Section may issue a Clearance Document after an inspection of the property by Building Control personnel. Confirmation will either be given that no enforcement action will be taken or advice will be given on what further action may be necessary to generally address matters concerning health and safety.

Inspections may be limited to areas of work to which access is readily available. If necessary, structural and other areas of work may require to be exposed to determine adequacy and may require to be certified by a Structural Engineer at the applicant's expense. Electrical work may also require to be certified as adequate by a qualified Electrician. Other specialist work may require a competent person to provide a report or certification.

Other services - which may be available on request and for which there is a charge for a site inspection

- The issuing of a letter for works that are exempt from the need to obtain a Building Warrant or are exempt from building regulations.
- The issuing of a letter for works pertaining to the installation of windows

- Where permitted (see below), to undertake a search of Building Control records, including the provision of copy documents, e.g. copy of a Building Warrant and Certificate of Completion, or confirming their issue where copy documents are not available from Council records.

Please note that under the Building (Procedure) (Scotland) Regulations 2004 the information held in the building standards register may not be able to be disclosed.

The register is kept in 2 parts (part I and part II)

Part I of the Building Standards Register consists of a list of applications and other information and is available for public inspection during office hours and is to be published on the Council's web site.

Part II of the register is **not** available for inspection by the public where the following cases apply:-

1. The relevant building is a residential building (This is taken to mean a dwelling house or flat, HMO, hostel, care establishment or similar premises). Only the owner, occupier/tenant may have access to these records where proof of interest is provided.
2. For other than residential buildings, where disclosure or copying of documents would raise security concerns.
3. Where access to or copying of records is to be requested, it will be necessary to obtain the owner's consent in writing. Charges apply for property searches and the copying of all documents.

Part II of the register consists of copy building warrants, copy completion certificates, copies of any certificates from approved certifiers submitted in support of building warrants or completion certificates, principal drawings and specifications, and all other documents submitted to the local authority for registration in the building standards register.

I have enclosed herewith for your information a fee table for the services contained in North Lanarkshire Council's Building Control Enquiry System.

Information on the Building Standards system is also available from the Scottish Building Standards Agency web site at www.sbsa.gov.uk

BUILDING CONTROL SERVICES	
BUIDING CONTROL ENQUIRY SYSTEM	FEE
Letters of Comfort - unauthorised works	£139.10 *
Letters of Comfort - window inspection	£116.00
Exempted Class Structures - site inspections	£116.00
Exempted Class Structures - confirmation of drawings	£11.55
Search and Copy Documents - first copy	£23.20
Search and Copy Documents - additional copies	£9.25
Expired Warrants - less than 12 months	£34.80
Expired Warrants - more than 12 months	£69.50
Building Warrant Drawing Search	£23.30
Building Warrant Drawing Search - charge per copy plan	£10.60

* This fee is in addition to the relevant building warrant fee based on the value of works. For example a project with an estimated value of work not exceeding £5000 the appropriate fee would be £139.10 + £100 = £239.10