

## Isle of Anglesey County Council

Report to:	Extraordinary Executive
Date:	2 <sup>nd</sup> October 2025
Subject:	Building Control Improvement Notice Response
Portfolio holder(s):	Councillor Nicola Roberts: Portfolio Holder – Planning, Public Protection and Climate Change
Head of service / director:	Christian Branch: Head of Regulation and Economic Development
Report author:	Christian Branch: Head of Regulation and Economic Development
Local members:	Not Applicable

### A – Recommendation(s) and reasons

**To note and endorse the Council's response to Welsh Ministers in relation to a Building Control Improvement Notice**

**To exclude this decision from call in provided the Chair of the Council agrees.**

#### **Background**

In the wake of the Grenfell Tower fire, new building safety reforms have been introduced in Wales.

Welsh Ministers are now the Regulatory Authority for Wales (under the Building Act 1984).

Since October 2024, building control professionals (including private sector building control organisations) must register with the regulatory authority to perform building control work in Wales.

The regulatory authority is responsible for:

- Establishing and maintaining a register of building inspectors (RBIs)
- Providing for different classes of RBI (Class 1 to Class 4, according to qualifications or experience)
- Registering building inspectors (subject to meeting specific criteria)
- Preparing an RBI Code of Conduct

The building inspector competence framework (BICoF) provides a clear framework for the building control profession to demonstrate competence. Competence reflects the necessary skills, knowledge, experience and behaviours of individuals required of RBIs.

#### **Allegation**

In April 2025, the Council were notified by Welsh Ministers that an investigation had been instigated after they received an allegation that the Council's Building Control Team was in contravention of the Operational Standards Rules (Wales) 2024. These rules set out the standards of professional conduct and practice expected of RBIs.

The substance of the allegation had been raised with the Council in March 2025 under the Whistleblowing Policy.

### **Initial Steps taken by the Council**

- a. An urgent internal investigation was undertaken to establish the veracity of the allegation.
- b. A HR process was instigated.
- c. A temporary Class 2F RBI was recruited in early May 2025 to ensure the Team's compliance with the Operational Standards Rules.
- d. A Building Control Response Group (chaired by the Chief Executive) was established to ensure appropriate measures were put in place to enable the Council to undertake its statutory duties in relation to the Building Act 1984. The Group provided strategic instruction, scrutiny, decision making and accountability; as well as informing the response to the Welsh Minister's investigation.
- e. An Operational Improvement Group (chaired by the Head of Service for Regulation and Economic Development) was created to identify and implement improvements to ensure the Building Control Team undertook its duties in an effective and efficient manner.
- f. A protocol was developed (with external legal support) outlining the Council's approach to reviewing the building control applications considered by the Building Control Team since October 2024.
- g. A thorough review of applications from the relevant period was undertaken by a competent and qualified RBI – no issues or concerns were identified in relation to quality of any Building Control work undertaken.
- h. Recruited external agency support to strengthen the capacity and resilience of the Building Control Team.
- i. Entered into an agreement with Powys County Council (based on an LABC Cross Boundary Agreement) to undertake the Council's building control plan vetting requirements (ensuring statutory targets and timescales are realised).
- j. The Team's Trainees and Technical Support Officer have been enrolled onto training courses to ensure their continued professional development.

### **Conclusion of Welsh Minister's Investigation**

The investigation determined that the Council had contravened the following rules:

1. *You must resource your building control functions appropriately and effectively target your activities by considering the risk and potential severity of contraventions of the Building Act 1984 and Building Regulations. This must include the allocation of competent persons to any given task.*
2. *You must ensure persons supporting and/ or delivering your building control functions act within their competence and relevant registrations. This applies to all building control functions and includes acting within:*
  - *the Building Inspector Competence Framework (BICoF) (Wales)*
  - *the Code of Conduct for Registered Building Inspectors (Wales) (section 58F of the Building Act 1984)*
  - *the Professional Conduct Rules for Registered Building Control Approvers (Wales) (section 58R of the Building Act 1984)*
  - *any code of conduct provided by the local authority for persons engaged by that local authority.*

3. *You must, as soon as you become aware, stop any person from working on any building control function for which they have no valid and relevant competence, supervision, authorisation or registration.*

An Improvement Notice was served on the Council under section 58Z4 Building Act 1984. The Council is required to respond to Welsh Government by the 14<sup>th</sup> October to demonstrate how it is complying with the Notice.

In particular, the Council must:

- a. Put in place the systems and controls that are necessary to ensure that we will identify, manage and mitigate the risks to the delivery of our building control functions relating to staffing levels and supervision protocols.
- b. Set down in writing the systems and controls that we determine necessary to identify, manage and mitigate the risks to the delivery of our building control functions relating to staffing levels and supervision protocols.
- c. Provide a copy of the determined systems and controls that have been set down in writing, to include written supervision protocol aligned with the Operational Standards Rules and Code of Conduct for Registered Building Inspectors (Wales), including escalation procedures and supervision logs.
- d. Provide a list of all RBIs with their building inspector registration class and supervision status.
- e. Provide formal supervision agreements for all RBIs not registered in relation to their assigned duties.
- f. Provide training records for all relevant staff on the new supervision protocol.
- g. Provide the terms of reference and meeting schedules for the newly created Building Control Response and Operational Groups.
- h. Provide quarterly updates on staffing and recruitment progress.
- i. Provide minutes of the Building Control Response Group and Operational meetings between July and September 2025.

The Improvement Notice remains in effect for 12 months from July 2025, or until revoked by the Welsh Ministers, subject to satisfactory compliance.

Although some elements of the findings are disputed, the Council has not appealed the Improvement Notice. The Council's formal response to the Improvement Notice is at **Annex A**. The governance and operating arrangements within the Building Control Team are being implemented and ensure compliance with the legislation and regulatory requirements.

B – What other options did you consider and why did you reject them and/or opt for this opinion?

As noted previously, although some elements of the findings are disputed, the Council chose not to appeal the validity of the Improvement Notice given that the required actions and timelines were considered reasonable.

C – Why is this a decision for the Executive?

The matter is referred to the Executive, pursuant to paragraph 3.5.1.6 of the Scheme of Delegation to Officers following discussion with the Monitoring Officer, and in order to provide Welsh Government with reassurance that the response to the Improvement Notice is endorsed at member level

Ch – Is this decision consistent with policy approved by the full Council?

Yes, no changes to policy are suggested.

D – Is this decision within budget approved by the Council?

Additional expenditure has occurred which will be funded from Council general reserves at year end in normal manner.

Dd – Assessment of potential impacts (if relevant)

1. How does this decision affect our long-term needs as an island?

It is vital that the Island has a compliant Building Control Team.

2. Is this a decision that is anticipated to prevent future costs/dependencies on the Council? If so, how?

Yes – the Improvement Notice's requirements (and the steps subsequently undertaken) should minimise the risk of any future costs or claims arising from customers who believe that their building control applications has not been dealt with and determined properly.

3. Have we collaborated with other organisations to come to this decision? If so, with whom?

Not Applicable

4. Have the citizens of Anglesey played a part in drafting this way forward, including those directly affected by the decision? Explain how.

Not Applicable

5. Note any potential impact this decision would have on the protected groups under the Equality Act 2010.

Not Applicable

6. If this is a strategic decision, note any potential impacts the decision would have on those experiencing socio-economic disadvantage.

Not Applicable

7. Please note any potential effects that this decision would have on opportunities for people to use Welsh and not treat the language less favourably than English.

Not Applicable

#### E – Who did you consult with and what were their comments?

1. Chief Executive / Leadership Team (mandatory)	The Chief Executive chairs the Building Control Response Group, and has overseen the Council's response to the Improvement Notice
2. Finance / 151 Officer	The Chief Executive has reported to the Council's Leadership Team on the requirements of the Improvement Notice and the Council's response.
3. Legal / Monitoring Officer (mandatory)	
4. HR	
5. Property	
6. IT	
7. Procurement	
8. Scrutiny	
9. Local members	

#### F – Appendices

Annex A: Council response to the Improvement Notice which includes copies of:

- Building Control Supervision Protocol
- Building Control Supervision and Training Log
- Building Control Escalation and Resolution Protocol
- Building Control Response Group Terms of Reference
- Building Control Operational Group Terms of Reference

Officer specific information i.e. recruitment processes, personal registration class, supervision status and training records will also be confirmed as part of the Council's response.

#### Ff – Background papers (contact the report author for more information)

N/A



# **Building Control Improvement Notice Response**

**Isle of Anglesey County Council**

**October 2025**

## **Annex A - Building Control Supervision Protocol**

### **Anglesey County Council - Class 1: Trainee Building Control Officers**

#### **1. Background**

This class is for individuals entering the building control profession who cannot yet demonstrate the competence required for unsupervised work. These trainees include:

- New entrants without prior academic or vocational expertise in building control or the built environment.
- Those with relevant academic or vocational qualifications but no building control experience.
- Individuals with construction knowledge but limited understanding of current building control regulations, functions, and activities.

Trainees will follow a structured training or verification path, which may include formal qualifications. They will work under appropriate supervision, progressing to the next registration class upon meeting the necessary standards.

The Class 1 Trainee RBI's will be required to enter into a Supervision Agreement which will ensure that they are aware of their statutory and regulatory limitations and what activity can be undertaken within their classification.

#### **2. Key Aspects of BCoF Monitoring for Trainees**

##### **a. Supervised Practice:**

Trainees must work under the direct supervision of a suitably qualified and registered Building Inspector.

##### **b. Portfolio Development:**

They build a portfolio showcasing their skills, knowledge, and experience in different areas of building control.

##### **c. Progressive Competence Levels:**

The framework outlines different levels of competence, which trainees gradually advance through.

##### **d. Undergoing Training:**

Trainees participate in vocational training to develop the specific skills needed for building control.

##### **e. Restricted Activities:**

Trainees may undertake specific, limited activities within building control under supervision as part of their training.

### 3. Focus on Skills, Knowledge, Experience and Behaviours:

The core of BICoF monitoring is to demonstrate a trainee's growing ability in the following areas:

#### a. The Role of the Building Inspector (RBI)

##### **Oversight and Decision-Making:**

The RBI provides guidance and oversight, with all decisions on compliance being made by the registered inspector.

##### **Involvement in Specialist Input:**

Trainees may be guided to understand how to gather information and commission specialist input for complex issues, as noted in the framework.

#### b. Preparation for Registration

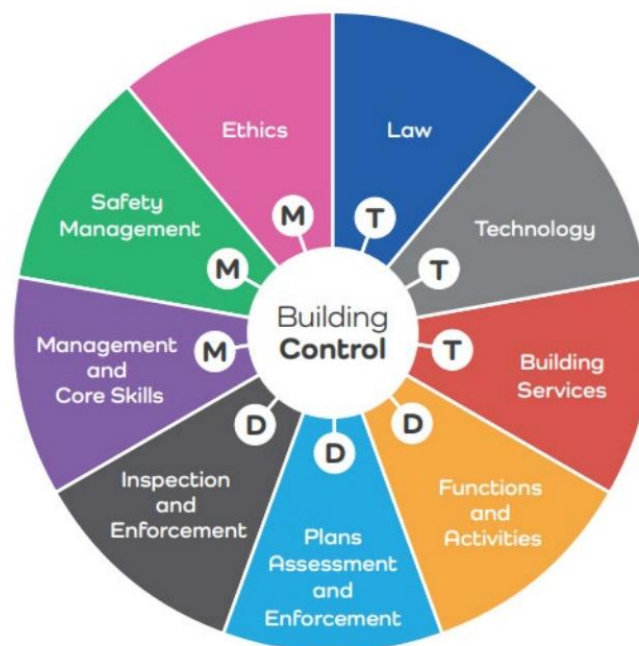
##### **Evidence of Competence:**

Through this supervised experience, trainees gather the evidence needed to demonstrate they meet the BICoF standards for registration with the Building Safety Regulator.

##### **Meeting Industry Standards:**

The BICoF aims to create a clear standard for the entire building control profession, ensuring a consistent level of competence among all professionals, including new entrants and trainees.

### 4. Building inspector competence framework diagram



*This diagram provides a summary of the overall competence statement and the indicative methods for demonstrating competence within each of the nine subject areas of the BICoF model, as outlined in section 3*



## **5. Guidance taken from The Building Inspector Competence Framework (BICOF)**

### **a. Law**

Uphold high professional standards in the application of the law in the delivery of all building control functions and activities

### **b. Technology**

Exhibit high levels of awareness and understanding of how the built environment has developed over time, the transition from traditional to innovative design and the role materials, components and systems play in securing compliance with the legislation in force at the time of construction and during any subsequent works.

Exhibit high levels of expertise and professional skills relating to the construction of the built environment and the carrying out of all building control functions and activities. Competence in technology includes building technology (existing and new buildings), building systems, modern methods of construction and sustainability.

### **c. Building Services**

Uphold high professional standards during the consideration and acceptance of building services in the demonstration of compliance with the appropriate regulations (all building control functions and activities). Building services are defined as the provisions that make a building work and fit for use, including heating, lighting, ventilation, drainage, fire detection, alarms, etc as set out in the detailed subject information.

Awareness of the role of services and their integration into the built environment, their effective design, installation, inspection, commissioning, maintenance, certification, use and their consideration within the plans assessment and inspection processes.

### **d. Functions and Activities**

Uphold high professional standards whilst delivering all building control functions and activities

### **e. Plan Assessment & Enforcement**

Uphold high professional standards when undertaking plans assessment, risk assessment and prioritisation leading to decisions on compliance.

The role of plans assessment, the processes and procedures involved including consultations from submission, validation through to a decision on compliance or rejection (and the issue of plans certificates if appropriate).

Recognise the fact that regulation and compliance assessment commence when an application is submitted and continues with the plans assessment stage.

**f. Inspections & Enforcement**

Uphold high professional standards during inspection processes and instigate enforcement action, as appropriate, to secure compliance with the building regulations. Inspection processes and procedures and the transition from the receipt of an application for building work and the associated review of plans, to the physical construction and building on site.

Enforcement and how enforcement is applied within the building regulation processes, relative to the securing of compliance with the building regulations in relation to new buildings, extensions, alterations, conversions, refurbishments, and regularisations, through the inspection processes.

**g. Management & Core Skills**

Uphold high professional standards within the building control team through the application of management and core skills to secure compliance with the appropriate legislation relevant to building control.

**h. Safety Management**

Uphold high professional standards related to the safety of self and others during the construction and development processes carried out on site and within the office.

The ability of members of the building control team to apply their knowledge, skills and competencies in the promotion and management of safety, whilst fulfilling their requirements with respect to the building control function, and to report any matters of evident concern to the appropriate enforcing authority.

**i. Ethics**

Uphold high professional and ethical standards when undertaking all building control activities.

**6. Supervision of Class 1 Trainee Building Control Officers**

The Registered Building Inspector (RBI) (Class 2A-F) will act as a supervisor to the Trainee Building Inspectors throughout the course of their training programme, Level 4 CIOB Diploma in Public Service Building Control. The County Council are also in discussions with the LABC and other North and Mid Wales Local Authorities to provide additional supervision capability should Mr. James A Burgess be unavailable (e.g. through annual leave).

The RBI will assess work undertaken by the two individuals and will be accountable for their work. Anglesey County Council Building Control Department will have a system in place to make sure all supervised work is up to standard. The supervised work is to be recorded in project files, and all evidence of work undertaken will be kept in a portfolio and will be regularly monitored and recorded in Supervision Logs.

The trainees will not take on a technical management role, or supervise the work of others, until they have the necessary competence to do so.

## **7. Working under supervision: Class 1 trainee building inspectors**

The trainee building inspectors will be supervised for the work they conduct. Work they will be supervised on, as a Class 1 trainee building inspectors, includes:

- Checking plans for compliance with building regulations where the plans are re-checked by a suitably competent class 2-4 RBI
- Inspecting building work alongside a suitably competent class 2-4 RBI. This will include discussing findings with them, and having your decision-making overseen
- Gathering information to show a suitably competent class 2-4 RBI for a decision on compliance

**Building Control Team  
August 2025 (V1)**

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## Annex B - Building Control Supervision and Training Log

### Class 1: Trainee Building Control Officer

**Academic or vocational route selected for the individual** - Level 4 CIOB Diploma in Public Service Building Control

<b>Trainee Name:</b>
<b>Supervisor:</b>
<b>Date:</b>
<b>Time:</b>
<b>Project Number:</b>
<b>Site Address:</b>
Project Description: Briefly outline the project, such as extension, new build, alteration, or demolition
Purpose of visit
Observed Work: Describe the types of inspections conducted and observed work (e.g. Foundations, drainage, pre-plaster) and what was observed
Actions taken / Checks Performed

Building Regulation References and Legislation: Detail the processes and procedures used to ensure compliance

Issues / Observations

(Construction techniques – Modern methods, innovative systems, low carbon, energy efficiency, smart technologies)

Lessons Learned:

Note how the activity contributed to your overall development as a building inspector and towards registration

Next Steps / Advice on site

Summary of Learning
Key activities undertaken
Competencies developed: <ul style="list-style-type: none"><li>• Understanding building legislation.</li><li>• Problem solving.</li><li>• Personal Skills and interactions.</li><li>• IT Skills &amp; Record Keeping</li><li>• Teamwork &amp; initiative</li><li>• Compliance with the code of conduct</li><li>• CPD</li></ul>
Trainee comments
Supervisor comments
Sign off (Trainee)
Sign-off (Supervisor)

<b>Plan checking Procedures</b>
Plan & Specification Checks: Note any work on checking plans and specifications against regulations
Client/Stakeholder Engagement: Record details of meetings and consultations held with architects, builders, engineers and the fire service
Competence Development: Note how the activity contributed to your overall development as a building inspector and towards registration
Document when you were working alongside a registered building inspector (RBI) and any decisions that were overseen
Identify the key professionals involved in the project and your contributions to the consultation process

## **Annex C: Building Control Escalation and Resolution Protocol**

### **1. Introduction:**

This Escalation and Resolution Protocol has been produced for staff, with the intention of summarising and clarifying the process for escalating matters within the Building Control Function. This protocol is not exhaustive and should be read alongside the Operational Standards Rules and the Code of Conduct for Registered Building Inspectors.

The Escalation and Resolution Protocol can be used for any matter, including staffing, supervision or technical queries relating to Building Regulations.

This protocol outlines a 5-step approach to escalating any issues that an Officer may have, and each stage of the process should not take longer than 7-10 working days. Officers are encouraged to follow the steps as outlined in this Protocol and not to skip steps. If Senior Officers suspect that a step in the escalation process has been skipped, the matter may be de-escalated which may lead to further delay.

### **2. The Protocol:**

#### **Step 1: Officer Resolution**

As a first step, Officers are encouraged to discuss their issue with other Officers of the Building Control Team, or the wider Regulation and Economic Development Service. You should be clear about:

- What the problem is or what you may disagree about (be specific).
- The potential risk and impact to you as Officers or the Building Control Team.
- What you are hoping to achieve with the resolution.

#### **Step 2: Line Manager**

If you cannot resolve the issue through discussions with other staff members, you must then raise the issue with your Line Manager. This can be done through any reasonable means of communication (i.e. email, MS Teams, phone call, face to face etc) but you should always ensure that you follow up in writing.

If the matter cannot be resolved by your line Manager, they will inform the Officer in writing that the matter is being escalated to the Chief Planning Officer.

#### **Step 3: Chief Planning Officer**

The Chief Planning Officer may request further information or evidence or will ask for a meeting with the Officer and Line Manager to understand the issue further. If the issue cannot be resolved by the Chief Planning Officer, the matter will be escalated to the Head of Service. The Chief Planning Officer will inform the Line Manager in writing that the matter has been escalated to the Head of Service.



#### **Step 4: Head of Service**

As defined in the Council's Constitution, the Head of Service is responsible for all functions relating to Building Control as contained in the relevant Acts. It is therefore likely that any issue will be resolved at this step and will not require further escalation. However, if the Head of Service believes the matter required further escalation, it will be reported to the Building Control Response Group in accordance with the Terms of Reference of the Group.

An Officer may request that the matter should be escalated to the Building Control Response Group and in such circumstances that request should be made to the Head of Service at this step.

#### **Step 5: Building Control Response Group**

The Building Control Response Group was established was established to ensure appropriate measures were put in place to enable the Council to undertake its statutory duties in relation to the Building Act 1984. Any issue relating to Building Control can be escalated to this Group for resolution.

If the Building Control Response Group believes the matter requires further clarity of guidance, the issue may be referred to the relevant Regulatory Body (e.g. The Health and Safety Executive, LABC, BSCF etc.)

#### **3. Whistleblowing:**

If an Officer feels that they have serious concerns about the Council and do not feel that they are able to follow the above steps, they may consider raising the matter under the Council's whistleblowing policy.

Under this situation, Officers should follow the County Council's Whistleblowing policy as detailed in the Registered Building Inspector's Code of Conduct.

**Building Control Team**  
**September 2025 (V1)**

## **Annex D: Building Control Response Group Terms of Reference**

### **1. Context**

The Council is increasingly concerned about the capability, competence, capacity and compliance of its Building Control Team. These concerns relate primarily to its statutory duties arising from the Building Act 1984, as well as other relevant legislation, standards and codes of conduct.

An urgent response is needed to immediately identify and implement required improvements to ensure the Team undertakes its duties in a compliant, effective, efficient and resilient manner.

It is expected that these improvements will consider the findings and recommendations of the Audit Wales report into building safety in Wales: ['Cracks in the Foundations' – Building Safety in Wales](#)

### **2. Purpose of the Group**

- a. Ensure an appropriate and timely cross Council response to the situation.
- b. Provide strategic instruction and scrutiny (in particular to the Operational Group), as well as clear decision making and accountability.
- c. Ensure appropriate measures are put in place to enable the Council to undertake its statutory duties in relation to the Building Act 1984.
- d. Oversee the development and implementation of an action plan to improve the capacity, capability, competence and supervision of the Council's Building Control Team (with regard to Building Act 1984).
- e. Provide leadership and direction to inform the Council's response to the Welsh Minister's investigation into allegations that the Council has, or may have, contravened Operational Standard Rules (OSRs) in its capacity as Local Authority building control (and any subsequent Improvement Notice).
- f. Implement robust risk management processes to ensure risks are identified, recorded, assessed, mitigated and evaluated.
- g. Ensure compliance with regulatory standards and procedures, as well Council policies and processes.
- h. Ensure effective communication arrangements with the Operational Improvement Group, stakeholders (including Welsh Ministers as the regulatory authority) and Council staff.
- i. Maintain a record of decisions and actions taken to demonstrate accountability.

### **3. Governance Arrangements**

The Group will report to the Leadership Team, via the Chief Executive / Deputy Chief Executive.

The Chief Executive will also update the Council's Executive Committee.

#### **4. Membership (Service to nominate suitable representatives)**

- Chief Executive
- Deputy Chief Executive
- Head of Regulation & Economic Development
- Head of Head of Profession HR and Transformation

It is anticipated that the Director of Function Council Business and Director of Finance/ Section 151 Officer will be engaged with as and when required.

#### **5. Coordination**

Meetings will be arranged by the Regulation and Economic Development Service. The loggist will be provided by the Service.

An action log will be maintained and will be distributed promptly amongst the Group.

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## **Annex E: Building Control Operational Group Terms of Reference**

### **1. Context**

An urgent operational response is needed to identify and implement required improvements to ensure the Building Control Team undertakes its duties in a compliant, effective, efficient and resilient manner. These duties relate primarily to the Building Act 1984, as well as other relevant legislation, standards and codes of conduct.

All activities and improvements must align with the Welsh Government's [Operational Standards Rules \(Wales\) | GOV.WALES](#)

Also, it is expected that all improvements will consider the findings and recommendations of the Audit Wales report into building safety in Wales: ['Cracks in the Foundations' – Building Safety in Wales](#)

### **2. Purpose of the Group**

- a. Action and implement instruction and guidance received from the Council's Building Control Response Group
- b. Oversee the review of historical building control applications (in accordance with agreed internal protocol).
- c. Ensure appropriate measures are put in place to enable the Council to undertake its statutory duties in relation to the Building Act 1984.
- d. Escalate operational issues and report on progress to the Building Control Response Group.
- e. Lead on the preparation and implementation of an Action Plan to improve the capacity, capability and resilience of the Building Control Team (with regard to Building Act 1984).
- f. Co-ordinate all matters in relation to the Team's staffing, recruitment, supervision, training, development and ongoing Continuous Professional Development (with support from HR)
- g. Implement robust risk management processes to ensure risks are identified, recorded, assessed, mitigated and evaluated.
- h. Ensure compliance with regulatory standards and procedures, as well Council policies and processes.
- i. Ensure effective communication arrangements between the Building Control Response Group, staff within the Planning Function (in particular Building Control Team).
- j. Maintain a record of decisions and actions taken to demonstrate responsibility.
- k. Ensure staff well-being is closely monitored and escalate any concerns.

### **3. Governance Arrangements**

The Group will report to the Building Control Response Group, via the Head of Regulation and Economic Development.

The Building Control Operational Group will meet weekly for 3 months or until such time as otherwise agreed.

### **4. Membership**

- Head of Regulation and Economic Development
- Chief Planning Officer
- Planning Development Manager
- Building Control Inspector (and others as necessary)

### **5. Coordination**

Meetings will be co-ordinated and arranged by the Planning Development Manager on behalf of the Head of Regulation and Economic Development and the Chief Planning Officer.

The Group will be Chaired by the Head of Regulation and Economic Development or the Chief Planning Officer as necessary.

An action log will be maintained and will be distributed promptly amongst the Group.

The action log will be shared with the Building Control Response Group.

If a serious or critical issue has been identified, this will be escalated immediately to the Building Control Response Group.