

CABINET

Date of Meeting: 5 December 2024

Title of Report: Renewal of the Shared Building Control Service with Rushmoor Borough Council

Report of: Executive Director - Place

Cabinet Portfolio: Planning Policy & Development Management

Confidentiality: Non-exempt

Purpose of Report

1. To consider the renewal of the Shared Building Control Partnership between Hart District Council and Rushmoor Borough Council, extending it by five years to 31 March 2030.

Recommendation

That Cabinet:

- a) Agrees, in principle, the renewal of the Shared Building Control Partnership between Hart District Council and Rushmoor Borough Council to discharge the statutory building control functions for both areas for a further five year period until 31 March 2030, unless terminated earlier in accordance with the provisions of the agreed Deed; and
- b) Delegates authority to the Chief Executive in consultation with the Portfolio Holder for Planning Policy and Development Management to finalise the terms and conditions and then sign the new Deed (the legal agreement between Hart District Council and Rushmoor Borough Council) before the existing agreement comes to an end.

Background

2. Hart District Council and Rushmoor Borough Council entered into a shared service to form a Building Control Partnership in July 2015. This arrangement was set out in a legal deed with an initial term of five years, and then extended until 31 December 2020, to facilitate a review of the service and the consideration of renewal for a further term. The Deed was then renewed on 23 December 2020 with an expiry date of 31 March 2025.
3. The purpose of the shared service is to provide resilience to enable both authorities to discharge their statutory building control functions. The Building Control team is based at Rushmoor Borough Council's offices in Farnborough, and consists of five building surveyors, a small technical support team and a Partnership Manager.

Main Issues

4. A review of the service in 2020 found that the Partnership had been highly successful, delivering excellent customer service since its inception, winning

back a good portion of market share and providing a solid efficient service for the benefit of residents and businesses in both districts.

5. This continues to be the case as the partnership benefits from effective leadership and has been successful in retaining experienced and highly trained and experienced staff, delivering a consistently good standard of service.
6. The partnership holds its own in terms of market share and wins work from large developers.
7. The individuals in the team have recently undergone a validation process with the introduction of the new building control regime under the Building Safety Regulator and have completed their competence assessments within the prescribed timescale.
8. Despite the challenges of adapting to this new regime, the service continues to be of a high quality and is responsive to customers' needs. For instance, it is the only Local Authority building control team in Hampshire that still provides same-day inspections if a request is received before 10am.
9. The partnership is governed by a Steering Group comprising the responsible managers and portfolio holders from each authority. The group meets biannually, and its last meeting was held in October 2024. Given the partnership's sustained success the Steering Group confirmed at that meeting that they wanted the agreement to be renewed for a further term of five years.
10. This requires approval from both participating Council's and Rushmoor Council will consider this formally in tandem with Hart's approval process.

Corporate Governance Considerations

11. The Building Control Partnership supports all of the key elements of the Corporate Plan in that it's work assists progress towards making the district carbon neutral, it supports the economy and helps to deliver warmer better homes. The partnership also helps to provide resilience and operates in a cost-neutral way in terms of the Council's finances.
12. Partnership-working is part of the Council's resilience objectives and one of the four-year goals is to work with neighbouring councils to share services.

Legal and Constitutional Issues

13. The Deed has been reviewed by the Council's Shared Legal Service and is considered fit for purpose subject to updating. Some changes will be required, particularly in terms of Schedule 2 which sets out the relevant performance standard. These will change to include reference to the new performance regime instituted and maintained by the Building Safety Regulator. The Executive Director – Place will work with Shared Legal on the detailed wording and with the Chief Executive to ultimately complete the signing of the new Deed along with Rushmoor Borough Council.

Alternative Options Considered and Rejected

14. The partnership originated out of a need for Hart District Council to provide greater resilience to its service and the current arrangement has successfully

and efficiently delivered that for nearly ten years. The service provided is considered to be an exemplar of its kind and has secured awards for its achievements.

15. The alternatives would be to provide the service in-house, enter into a different or wider partnership or consider a different model entirely such as a mutual company. Given the risks associated with each of these, not least the problems with recruiting or retaining staff in a very challenging sector of the employment market, it does not seem sensible to seriously entertain an alternative when the existing arrangement is functioning well.

Financial and Resource Implications

16. The Building Act 1984 places a statutory requirement on Local Authorities to provide a Building Control service. The Act defines which functions are to be fee earning and non-fee earning. Fee income, defined within the Building (Local Authority Charges) Regulations 2010, is charged on a cost recovery basis only when reviewed over a rolling 3 year period. As such the overall cost of the service is limited to the statutory non-fee-earning elements of the service which are small by comparison with the fee-earning work. The Shared Building Control Service is very cost effective and there is no alternative model that would be so efficient. The cost to Hart is minimal once all costs and revenue is taken into account and reviewed over a rolling 3 year period.
17. The costs are split 60:40 (Hart: Rushmoor) to reflect where the work falls. Although the Deed allows for the distribution of costs to be reviewed on an annual basis by the Steering Group in October each year, the split has not been adjusted as it seems to have held-good over the passage of time, reflecting the quantity of work in the respective authority areas.
18. The new Deed will perpetuate the option for a review, should the distribution of the work change.

Risk Management

19. There are no risks highlighted as a direct result of the recommendation but not to renew the partnership would open up considerable risks for the provision of an effective service.

Equalities

20. The proposal to renew the partnership is not considered to raise any equality issues.

Climate Change Implications

21. There are no significant carbon/environmental impacts arising from the recommendations in this report.

Action

22. Subject to the decision of Cabinet to agree to extend the term of the Shared Building Control Service with Rushmoor Borough Council in principle, the Executive Director – Place, alongside colleagues from Place, Legal and Finance, will finalise the terms and conditions, and the Chief Executive will sign the new Deed consistent with reciprocation from Rushmoor Borough Council.

Contact Details: Mark Berry – Business Development Manager

Appendices:

Appendix 1 – Copy of existing Deed dated 23 December 2020

Background Papers:

None