

**16 JANUARY 2025****KEY DECISION: YES****REPORT NO. PG2501****RENEWAL OF BUILDING CONTROL PARTNERSHIP****SUMMARY AND RECOMMENDATIONS:**

This report considers a proposal to renew the Hart and Rushmoor Building Control Partnership as a shared service between the two authorities to discharge the statutory building control functions for both areas for a further five-year period.

The Cabinet is recommended to:

- Approve the renewal of the Hart and Rushmoor Building Control Partnership to provide a shared building control service for a further five years until 31 March 2031, unless terminated earlier in accordance with the provisions of the agreed Deed.

**1. INTRODUCTION**

- 1.1. This report provides details of the proposal to extend the Partnership between Hart District Council (DC) and Rushmoor Borough Council (BC) to provide a Building Control service for another five-year term.

**2. BACKGROUND**

- 2.1. Hart DC and Rushmoor BC 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, ending on 30 June 2020. By exchange of letters in June 2020, the term of the Deed was extended until 31 December 2020, to facilitate a review of the service and the consideration of renewal for a further term. The review found 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. Following the review the Deed was then renewed and extended to 31 March 2025.
- 2.2 The Partnership has worked successfully and has been competitive with an estimated 70% of the local market including work from large developers. It benefits from effective leadership and has been successful in retaining experienced and highly trained and experienced staff, delivering a

consistently good standard of service. The Partnership holds its own in terms of market share and wins work from large developers. The service is continuing to develop with the intention to move to a more mobile and digital approach. This has been delayed due to uncertainty about the IT provider for Hart DC and subsequently the renewal of Rushmoor BC's Idox contract and move to a cloud-based solution.

- 2.3 Building Control faces a changing legislative environment due to the Grenfell tragedy and the introduction of the Building Safety Act. The Health and Safety Executive now runs building control in public and private practice setting up the Building Safety Regulator (BSR) as the controller. It has effectively added more regulations which will impact on the time it takes to carry out the function. The introduction of these regulations led to building control nationally facing a difficult time in sourcing registered and competent staff, now defined and controlled by the BSR, as many people choose the opportunity to leave the sector all together.
- 2.4 The Building Act 1984 puts a statutory requirement on Local Authorities to enforce the building regulations in their area. The Regulator has decided that one way to improve competency in the construction industry is to expand the regulatory framework under which we enforce. The notion of 'Stop Notice' and 'Contravention Notices' has been introduced alongside current powers. The increased enforcement will lead to new burdens on the team with legal notices, court time and follow ups taking Officer time. In addition, the Regulator has also increased the statutory Key Performance Indicators (KPIs) requirement which we are legally required to report on every quarter and have added a need for detailed input into Idox Uniform for every action. The enforcement capability is included in the KPI requirement so will be monitored for performance but will place an additional burden on the team.
- 2.5 As part of the changes, individuals in the team have recently undergone a validation process with the introduction of the new building control regime under the BSR and have completed their competence assessments within the prescribed timescale. 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.
- 2.6 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.
- 2.7 This requires approval from both participating Councils. Hart DC considered this matter at their Cabinet on 5th December 2024 and confirmed their intent to extend the partnership.

- 2.8 The Deed has been reviewed by both Hart DC's shared legal service and Rushmoor BC's legal service 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 BSR.

### **3. DETAILS OF THE PROPOSAL**

#### **General**

- 3.1. Building Control provides a range of services to the community centred around the enforcement of the Building Regulations 2010 which is a statutory requirement for all local authorities.
- 3.2. The Partnership has enabled Rushmoor BC to achieve operational resilience and financial stability from a potentially unworkable situation originally. A recent audit review of the service has found that there is a reasonable level of assurance and since then the recommendations of the report have been implemented as far as possible. The situation remains dynamic with Government having amended performance indicators and brought forward elements of the system. IT system providers requiring time to reflect changes. Manual systems are in place in the meantime.
- 3.3. The renewal of the Deed retains the core principles of the original structure, continues to reflect the financial reality of the Partnership and will be updated to ensure performance indicators are aligned with regulatory requirements. The renewal of the Deed will support the Partnership in meeting its obligations and demonstrating such when it is audited in due course by the BSR.

#### **Consultation**

- 3.4. The renewal of the Deed has been overseen by Legal and Finance at both Rushmoor BC and Hart DC and is in its final stages of oversight by Hart DC legal team.
- 3.5. The Deed has a Steering Group who oversight the workings of the Partnership and it sets out the agreed approach to oversight. The Steering Group is comprised of both Heads of Service and Portfolio Heads for each Local Authority and the Partnership Manager.

### **4. IMPLICATIONS (of proposed course of action)**

#### **Risks**

- 4.1. The proposed renewal of the Partnership represents a continuation of the currently successful working arrangements. The renewal of the Partnership

will ensure that Rushmoor BC have continuing resilience to provide a building control service for the next five years.

- 4.2. The allocations of cost in accordance with workloads and fees rather than by a fixed formula helps ensure that authorities costs and income are aligned, and neither is advantaged or disadvantaged by changes in income and cost.

#### **Legal Implications**

- 4.3. No additional legal implications other than identified in the Deed.

#### **Financial and Resource Implications**

- 4.4. The continuation of cost allocation in line workloads and fees ensures Rushmoor's costs are aligned with income and the building control service can meet its obligations to achieve a balanced budget over a rolling three-year period.

#### **Equalities Impact Implications**

- 4.5. No specific equality implications have been identified.

#### **Other**

- 4.6. None

### **5. CONCLUSIONS**

- 5.1 Rushmoor BC must provide a building control function, and the continuation of the Partnership has shown that this is an effective option to discharge our responsibilities. Staffing resilience and the benefit of a shared workspace has given improved financial status to the service. Borough Councils work in a very competitive market where private inspectors chase every application and only good service and customer care result in return business.
- 5.2 Rushmoor BC have duty to provide the service and to make sure it is provided in a modern, commercial manner with good customer care. The renewal of the Partnership will ensure the service is delivered well, meets all regulatory requirements in an ever-changing world and with additional resilience to a provision by a single Council.

#### **BACKGROUND DOCUMENTS:**

None

#### **CONTACT DETAILS:**

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