

Report to Cabinet

Subject: Erewash Building Control Partnership

Date: 26th March 2026

Author: Assistant Director – Development

Wards All

Affected:

Purpose: To seek approval to transfer the Council's statutory and discretionary building control services to the Erewash Building Control Partnership.

Key Decision: This report constitutes a key decision as defined in the council constitution. The report relates to the transfer of the Council's statutory and discretionary building control services to the Erewash Building Control Partnership to deliver the Council's Building Control function"

Recommendation:

That Cabinet

- 1. Approves the transfer of the Council's Building Control Service into the Erewash Building Control Partnership.**
- 2. Delegates authority to the Director of Place to sign the contract for Erewash Building Control Partnership to deliver the Council's Building Control function.**

1 Background

1.1 The Council currently provides all the statutory Building Control functions and the Building Regulation function which is non statutory.

1.2 Statutory and critical Building Control functions include;

- Dealing with Dangerous Structures
- Building Control Enforcement
- Demolitions
- Registering Approved Inspector's Initial Notices and Competent Person Scheme works
- Processing of disabled person's applications

- Safety advisory group/safety at sports grounds
- Land Charge Search Enquiries

1.3 Non-statutory functions are those elements of the service for which the Council can charge a fee and comprise of the following:

- The passing or rejection of plans of proposed work deposited in accordance with Section 16 of the Building Act 1984.
- Site inspections in connection with plans which have been deposited.
- Site inspections in connection with work for which a Building Notice has been given to the Local Authority.
- Consideration of plans of work reverting to Local Authority control from an Approved Inspector and the inspection and rectification, if required, of that work.
- Applications for regularisation certificates for work carried out without the benefit of approval

1.4 Local authority building control operates within a competitive commercial environment, with its customers able to choose between private providers of the service, Registered Building Control Bodies (RBCBs) and the Local Authority. Over the last few years Local Authorities have seen a reduction in market share, and this trend continues.

1.5 As a response to this several local authorities across the country have decided to share building control services to streamline delivery mechanisms, increase resilience, make savings and create efficiencies. In a climate where the private sector continues to provide competition for non-statutory building control work, authorities that have shared building control services have seen a sustained or increased market share over time. The only authorities in Nottinghamshire that are not currently within a partnership arrangement are Gedling and Bassetlaw District Council. By way of comparison, there have been 2661 homes delivered in Bassetlaw between 2020 and 2023 compared to 1376 in Gedling.

1.6 The Building (Local Authority Charges) Regulations 2010 require Local Authorities to operate Building Control Services on a cost recovery (non-profit making) basis and levy fees for chargeable work under the Building Regulations, which is fee earning work. In common with all other Local Authority Building Control teams, Gedling's team is in competition with the private sector for dealing with applications under the Building Regulations, and has a market share of approximately 32% (based on Building Control applications received compared to initial notices). The private sector is not bound by the above Regulations and is profit making. The Building Control Service is also required to deal with non-fee earning activity such as dealing with dangerous structures, administering works of demolition, licensing of safety at sports

grounds, as well as enforcement work and administering notices and certificates received from Approved Inspectors and competent persons.

1.7

The Building Safety Act is now in force and has placed considerable new burdens on Local Authority Building Control Services described by the Chief Executive, Lorna Simpson of Local Authority Building Control (LABC) as “.. the most significant piece of legislation affecting the built environment in decades – all councils need to know its effects. The new safety regime means more duties for local authorities, registration of the building control profession with validation of competency at its heart.” The Bill introduced a new Building Safety Regulator (the Health and Safety Executive - HSE) and places an obligation on local authorities to support the regulator by providing skilled, experienced and competent staff. Local authorities will have to make sure staff involved in assisting the regulator have verified skills and knowledge.

1.8

The Building Safety Regulator oversees the English and Welsh Building Control system and be the registrar for the entire profession. Local authorities are required to ‘take the advice of a Registered Building Inspector’ before issuing certification or to carry out plan assessments and site inspections. All local authority building control surveyors now need regular formal assessment of competence as part of the process.

1.9

In addition to the considerable legislative burdens facing Local Authorities, Building Control services are already facing considerable challenges. The LABC Insight - Interim Report - April 2022 sets out that competition with the private sector creates pressure on resources as the Council is unable to compete with the pay and reward packages offered in the private sector and relies in part on expensive agency staff to run the service. This creates a problem of retaining and recruiting staff and this, combined with an ageing demographic within the team, places the service at considerable risk.

2 **Proposal**

2.1 It is proposed that the Council enters into the Erewash Borough Council Building Control Partnership for the provision of all the statutory and non-statutory functions currently undertaken by the Building Control Service, with the exception of street naming and numbering, which will be retained in house. These functions include

- The processing of building regulations applications from plan checking to final inspection and attend safety at sports grounds meetings. (non-statutory function)
- Responding to dangerous structure call outs and providing out of hours cover (statutory function), this include the recovery of costs incurred in dealing with Dangerous Structures

- Dealing with Section 80 applications – Demolition (statutory function)
 - Enforcement actions (statutory function)
 - The Partnership will continue to process and inspect work relating to existing applications where no additional fees are payable, as payment has already been made to Gedling Borough Council.
- 2.2 The Erewash Building Control Partnership currently comprises Erewash Borough Council itself, Mansfield District Council, Ashfield District Council and Broxtowe Borough Council. The Partnership provides statutory and non-statutory Local Authority Building Control Services across the area of these districts / boroughs. It is considered that entering a partnership arrangement with Erewash Borough Council would streamline delivery mechanisms, increase resilience, make savings and create efficiencies.
- 2.3 Erewash have a team of highly skilled and accredited team of Building Inspectors who are equipped to ensure that buildings are safe for Gedling's residents, businesses and visitors, the enhancement of the Building Control service will therefore contribute to the Council's Legacy Plan priority of providing responsive, reliable and value-for-money services. The changes to the Building Control regime have been hugely significant and intended to ensure that safety in buildings is given much greater scrutiny. The new system will bring in greater clarity and accountability for ensuring buildings are safe for all. This proposal to enter the shared service will also allow residents and businesses to access information, advice and guidance via an enhanced customer offer. This will enable residents and businesses to make informed choices about the services they purchase and use the Council's Building Control Team rather than an RBCB, marketing the service as a trusted brand.
- 2.4 The Erewash Building Control Partnership already includes Ashfield District Council and Mansfield District Council, therefore the proposal is considered to align with the Council's preferred option 1e that has been submitted to government.

3 Financial Implications

- 3.1 The Head of Regulatory and Housing Services at Erewash Borough Council has confirmed that the annual service fee for the Council to enter into the Partnership would be £84,673. If joining the partnership is approved, the year 1 contribution would be calculated on a pro rata basis. Assuming an on boarding date of 1 June 2026 the partner contribution from Gedling would be £70,560. The Partnership would provide all building functions for the borough apart from street naming and numbering, a paid service, which would be retained by Gedling Borough Council.
- 3.2 As the Council must provide certain statutory building control functions which include, investigating dangerous structures, building control enforcement, demolitions and

the processing of disabled person's applications. The importance of these functions, particularly dangerous structure response means that to fulfil them effectively the Council would require a minimum of 2 registered building inspectors to allow for cover during periods of annual leave.

- 3.3 As detailed previously, the Building Control Service also provides non-statutory paid functions, largely through the consideration and supervision of building control applications. Therefore, consideration should be given to the performance of the service in terms of income against the overall cost of delivering the service. During the year 2022 / 2023 the total income for the service was £258,391 with the overall service costing £317,168 in total to maintain. The year 2023 / 2024 saw a reduction in income to £197,627 with the overall cost of the service being £313,092. These years the building control cost the Council £58,777 and £115,465 respectively. Last year, 2024 / 2025 saw a slight reduction in income to £194,443 with the overall cost of the service being £277,408, a total cost of £82,965 to the Council.
- 3.4 As the Council have been unable to recruit to permanent posts within the Building Control Team and the permanent Building Control Officer will be retiring in the New Year, the Council would need to engage an additional Building Inspector through an agency to ensure the statutory functions can be delivered. Therefore, the costs of delivering the service will increase significantly. The current total cost of the permanent Building Control Officer is approximately £65,800 per annum, whilst a Building Inspector engaged through an agency would cost approximately £70 per hour, approximately £120,000 per annum. This would therefore increase the cost of delivering the service by in excess of £50,000 when compared to the current position.
- 3.5 Staffing the team with only 2 Building Inspectors provides very little resilience during times of leave or during emergency situations. In order to ensure resilience within the service, a Building Control Technical Manager would be required to oversee the service and ensure compliance with the Building Safety Act therefore the cost of staffing is therefore likely to be much higher than the quoted figures. If the Council is unable to recruit to the permanent establishment, it would be necessary to employ 3 inspectors through an agency at a cost of approximately £360,000 per annum. There is also a budgetary impact of the central support costs and Technical Assistant of £118,000. The total cost of providing the service in 2026/27 would be approximately £300,000, assuming estimated application fee income of £175,000. It would therefore be financially unviable to retain the service inhouse.
- 3.6 The fact the Council has not successfully recruited to the permanent posts within the team leaves the Council at significant risk of not being able to fulfil its duties to the Building Safety Regulator. The authority would face huge risk should the agency inspector decided to leave the authority at short notice as it would not be able to fulfil its statutory duties or complete any non-statutory work already committed. It is not

considered that employing agency Building Inspectors is a viable long-term solution given hourly rates of approximately £70 and short notice periods for leaving the authority.

Alternative Options

4.

4.1 An alternative option would be for Gedling Borough Council to continue to provide Building Control Services. With the continued pressure on service delivery and a lack of staff and resilience in the service, Gedling Borough Council currently has a Service Level Agreement with the Erewash Building Control Partnership to undertake 25 site inspections per week at a cost of £53.90 per inspection. Given the existing cost of the service compared to income levels, this is not considered to be a sustainable long-term solution.

4.2 Whilst the total annual cost of entering the Partnership would be approximately £118,000 this would be significantly less than the realistic cost of retaining the service. Given the historic issues with recruitment into the team, it is considered likely that Building Inspectors would need to be employed through an agency. Employing the required 3 Building Inspectors through an agency would have an annual cost of approximately £360,000. Assuming the service achieves an income of £175,000, the total Partnership cost of £118,000 is considerably less than the cost of retaining service, even when including only staffing in service costs.

4.3 It is also possible to promote the Building Service more widely in order to increase competition with the private sector. The Council are progressing the Gedling Local Development Plan which will see significant growth in the borough and could represent a significant opportunity to boost the income of the service. Such an approach is considered to be a significant risk to the service as a substantial increase in income would be required to justify additional resourcing and many housebuilders have established partnerships within the private sector so the significant growth in income that would be required to ensure the service can be self-financing cannot be guaranteed.

4.4 Providing only a statutory service, without fee earning work, is not considered to be a sustainable option as it would require a minimum of 2 Building Control Surveyors to be employed by the Council to ensure the functions could be delivered during times of annual leave or sickness. Alternatively, times of annual leave would need to be covered by a Service Level Agreement with another provider. This option would see a significant reduction income, with fees from Regularisation applications totalling approximately £20,000 per annum. This option is therefore not considered viable as the service cost would exceed the service fee proposed by the Erewash Building Control Partnership.

5 Legal Implications

- 5.1 It is understood that the existing partners, Mansfield District Council, Ashfield District Council and Broxtowe Borough Council, have entered into an appropriate agreement that provides authority to deal with all Building Regulation and Building Control matters being delegated under section 101 of the Local Government Act 1972 and section 19 of the Local Government Act 2000 to EBC for a period of 3 years (due to Local Government Reorganisation) with the option to extend. This allows the authorities to terminate the arrangement by giving an agreed period of notice at any time.

6 Equalities Implications

- 6.1 It is not considered there would be any equalities implications with this proposal

7 Carbon Reduction/Environmental Sustainability Implications

- 7.1 It is not considered there would be any carbon reduction implications with this proposal

8. HR / Staffing Implications

- 8.1 Any Staffing Decisions will be taken by the Head of Paid Service in accordance with the Council's Constitution.

Statutory Officer approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer