

Body:	Cabinet
Date:	14th December 2016
Subject:	East Sussex Building Control Partnership
Report of:	Ian Fitzpatrick, Director of Service Delivery
Ward(s)	All
Purpose	To consider entering into a further agreement with the East Sussex Building Control Partnership for five years.
Decision type:	Key decision
Recommendation:	<ul style="list-style-type: none"> i. Approve the new agreement for the East Sussex Building Control Partnership for five years; ii. Delegated authority to be given to the Director of Service Delivery in consultation with the Assistant Director - Legal & Democratic Services, to negotiate and finalise the agreement.
Contact:	<p>Sue Oliver, Strategy & Commissioning Lead for Environment & Waste</p> <p>Telephone 01323 415360 or internally on extension 5360.</p> <p>E-mail sue.oliver@eastbourne.gov.uk</p>

1.0 Background

- 1.1 Building Control is a statutory function with the prime aim of administering the Building Regulations. Building Control deals with health and safety issues regarding buildings together with matters covering access to and within buildings, and also matters relating to the conservation of fuel and power, designed to reduce carbon outputs from buildings.
- 1.2 Building Control also encompasses a wider range of services, such as dangerous structures, accessibility, structural engineering and other issues contained in the Building Act 1984 and associated legislation.
- 1.3 Local authority building control services, as part of the Building Regulations application process, are required to charge a fee for work relating to passing or rejecting plans deposited with them. They also charge for inspecting work connected with plans deposited or in relation to a building notice, and for consideration of plans of work reverted to the local authority, and inspection of that work as described in The Building (Local Authority Charges) Regulations 2010. The Regulations contain certain exemptions from charges, e.g. works improving access to buildings

such as the installation of ramps and/or works subject to a Disability Facilities Grant.

- 1.4 The amount that a local authority can charge is determined by The Building (Local Authority Charges) Regulations 2010 in conjunction with guidance issued by The Chartered Institute of Public Finance and Accountancy (CIPFA). The income derived shall not be less than costs incurred in performing the function under the Principal Regulations. The Local Authority, when estimating charges, is required to consider the aggregate proper costs over a continuous rolling yearly period. Surplus money should be reinvested in the Building Control service for improvements and/or returned to the customer.

2.0 East Sussex Building Control Partnership

- 2.1 Eastbourne Borough Council entered into a five year agreement with Wealden District Council to deliver building control services, via the East Sussex Building Control Service (ESBCP). This commenced in April 2011, and has been extended by a further year. The agreement will terminate on 31st March 2017.
- 2.2 Under the arrangement, Wealden District Council took the lead on management and employment issues. Eastbourne's Building Control staff transferred to Wealden District Council under the Transfer of Undertakings (Protection of Employment) Regulations 1981. The joint service delivered efficiencies and improved resilience for the two authorities.
- 2.3 A Joint Partnership Board oversees the delivery of the service, and meets twice yearly. The service has performed well and there are no concerns about Wealden's ability to deliver it. The Board has five members, the Portfolio Holder and lead officer from each authority, and the ESBCP Manager. Each has one vote, but consensus has consistently been reached throughout the five year agreement.
- 2.4 At its October 2016 meeting the Joint Partnership Board agreed to extend the ESBCP to cover the other local authority areas in East Sussex.
- 2.5 Eastbourne pays Wealden an annual management fee of £72,000 and it is worth noting that in 2015/16, this was reduced to £36,000 due to the excess income received by Wealden for the service.

3.0 Future arrangements

- 3.1 Rother District Council and Hastings Borough Council have had a partnership agreement in place which ends in March 2017. Due to a vacancy, the manager of the ESBCP has managed that partnership as well, for some months. Therefore it is a logical step for both Hastings Borough Council and Rother District Council to consider joining the ESBCP.
- 3.2 Given the Joint Transformation Project, Lewes District Council is also considering joining the ESBCP, so that both Eastbourne's and Lewes's Building Control service is fully integrated. A draft agreement to cover all five East Sussex authorities has been prepared by Wealden District Council

for review. This would deliver a building control service for five years, improving customer service and resilience, and delivering further efficiencies. There will be one set of charges across the county, a greater availability of experienced officers and improved cover. A larger building control service will find it easier to maintain a market share and to develop further partnerships and income streams.

- 3.3 An extended Partnership Board would be created, with representation from each Council who would have one vote each, and the present proposal is that Wealden as host would have a casting vote. Each authority would be represented by their Portfolio Holder, but in their absence, the lead officer for that authority could deputise and represent the authority's interests (at present both the Portfolio Holder and lead officer have a vote). This is a sensible and practical arrangement which will ensure that every authority is always represented. The Board would meet on a twice yearly basis.
- 3.4 One year's notice will be required from any authority who may wish to withdraw from the Partnership. Withdrawing from the Partnership would result in the service coming back in-house, or finding an alternative provider.
- 3.5 Wealden District Council have previously advised of their intention to explore alternative methods of service delivery, and if this is approved by the new Board, then during the five year agreement, a business case will be forthcoming to consider a local authority trading company. At the appropriate time and if this issue is pursued a further report will be brought to Cabinet for consideration.

4.0 Legal implications

- 4.1 At the time this report was prepared, Legal Services have had sight of the draft partnership agreement, and are liaising directly with Wealden District Council's lawyers on the content.

5.0 Resource Implications

5.1 Staffing

There will be no change to the employment status of the staff, who will continue to be employed by Wealden District Council. A restructure will be required given that the ESBCP will employ more staff across five authorities, than it does at present across Wealden and Eastbourne. The present establishment across the five authorities is 30.3 FTEs, and the proposal for the new structure is 28.7 FTEs. However due to the current vacancy level and on-going turnover of staff, Wealden have assured the incoming partners that there will be no staff redundancies.

5.2 Financial

Wealden propose that with five authorities in the ESBCP, Eastbourne's management fee will be £68,000 per annum, a reduction of £4,000.

6.0 Other Implications: Equality and fairness analysis:

- 6.1 An equality and fairness analysis will be conducted.

7.0 Summary

- 7.1 Eastbourne has been a partner in the ESBCP for 6 years, and it is an arrangement that has delivered benefits for the authority and for customers. A further five year agreement is proposed with additional local authority partners, to deliver further efficiencies and a consistent service across East Sussex.