

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Mandatory/ Operational	Be entirely within Cabinet's powers to decide	YES	
		Need to be recommendations to Council	NO	
		Is it a Key Decision	NO	
Lead Member: E-mail:		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Stuart Ashworth E-mail: stuart.ashworth@west-norfolk.gov.uk Direct Dial: 01553-616417		Other Officers consulted: Geoff Hall – Director Environment & Planning		
Financial Implications YES	Policy/Personnel Implications YES	Statutory Implications YES	Equal Impact Assessment: NO	Risk Management Implications NO
If not for publication, the paragraph(s) of Schedule 12A of the 1972 Local Government Act considered to justify that is (are) paragraph(s)				

Date of meeting: 1 August 2023

CONTINUATION OF THE BOROUGH COUNCIL AS PART OF THE CNC BUILDING CONTROL PARTNERSHIP

Summary

This report seeks to agree confirmation of the continuation of the Local Authority Building Control (LABC) function carried out by CNC Building Control on behalf of the Borough Council, so that it continues for another 5 years.

The Participation Agreement for the provision of Building Control Services is reviewed and updated every 5 years, and it is now due for renewal/review. It was last reviewed/renewed at Cabinet in April 2018.

The current participation agreement involves 5 Local Authorities, namely South Norfolk district Council, who host the Building Control function on behalf of all the partner authorities, Broadland District Council, Norwich City Council, King's Lynn and West Norfolk Borough Council, and Fenland District Council.

The Building Control function has been carried out by CNC on behalf of the Borough Council since October 2010, when the Borough Council joined the partnership. It is considered to work well, and has offered significant financial savings to the Council during the course of its operation.

Recommendation

- 1) That the Council continues to be part of the CNC Building Control partnership for the next 5 years.**
- 2) That authority be delegated to the Executive Director – Environment & Planning, in consultation with the portfolio holder for Development and Regeneration to agree the full details of the CNC partnership agreement.**

Reason for Decision

To ensure the continued provision of a statutory Local Authority Building Control function through the CNC Building Control partnership.

1.0 Background

- 1.1 In October 2010 the Borough Council entered into a partnership agreement to join CNC Building Control, for it to provide the statutory local authority building control function. At the time the partnership was made up of South Norfolk Council, Broadland District Council and Norwich City Council. Fenland District Council became the last Council to join the partnership in 2014. CNC is hosted by South Norfolk Council, with its base being the new joint Council Offices with Broadland Council on the outskirts of Norwich, and there is also a western area office at the Boathouse in Wisbech, covering the King's Lynn and Fenland areas.
- 1.2 Building Control operates in a competitive market, and customers can choose who to employ to obtain Building Regulations approval, which could include Approved Inspectors, the NHBC and other Local Authorities. However Local Authorities must still provide a Building Control function, and are responsible for issues such as dangerous buildings, and other non-fee earning work
- 1.3 CNC now wish all of the partners to agree to the next updated Participant Agreement, and continue in the Partnership for the next 5 years. The CNC Board, made up of councillors from the five partner authorities, have already agreed in principle to continue, subject to the internal processes in each partner authority.
- 1.4 One of the main reasons for joining CNC in 2010 was the ongoing and increasing costs to the Council of carrying out the Building Control function. The estimated deficit for the last financial year the service was run in house was circa £133,000. At the time of the original agreement with CNC, the charge for providing the service was circa £89,000 per annum, which represented a significant saving. At the time of joining CNC it was hosted by Broadland Council, but this changed to South Norfolk Council in 2013, who provided a better financial offer to the partners at the time. The cost of SNDC is a cost to the whole partnership but this is covered within the trading account. The individual charge to the Borough Council for the year to the end of 2023 was £62,000, which covered non-fee earning activity such as dangerous building visits and cover, FOI work and plan checking.
- 1.5 Given the above it is clear there have been significant ongoing savings through CNC carrying out the Building Control function on the Council's behalf.
- 1.6 Another reason for joining and remaining in the partnership is economies of scale. A strong and well-resourced partnership will help to provide resilience in a competitive market. Cover can be provided and jobs properly resourced, which is essential in the development/construction industry.

2.0 Options Considered

- 2.1 **Option 1 – Take back the function in-house.** The main alternative option is to take the Local Authority Building Control function back in house. However this would potentially be costly, as well as disruptive and would take a lot of time and resource to do this. Importantly it would not allow the savings CNC Building Control has provided to be realised. There would also be major logistical challenges in doing this and it would require significant investment to be able to provide a competitive and supported service. It should also be noted that a new service would be in competition with CNC.
- 2.2 **Option 2 – Tender for alternative provider.** This is a potential option but there would be the expense of going through this process, as well as additional costs of paying for that function. It is highly unlikely that the costs would be less than the current partnership charges paid by the Council, given the need for a private company to deliver a profit. There is also the significant risk of no providers being interested in the carrying out the function on behalf of the Council.
- 2.3 **Option 3 – Continue to operate within the CNC Building Control partnership.** This is the most realistic and financially sensible option, which would give the least disruption and provide continuity of service, especially for customers. The existing arrangements are considered to work well and have provided significant savings to the Borough Council. In addition, the CNC Building Control partnership has allowed enhanced working through investment in technology, income generation through being better placed to win competitive work over a much wider area. There has also been a reduction in individual Council support service demands.

3.0 Policy Implications

- 3.1 N/A

4.0 Financial Implications

- 4.1 The costs to the Council of CNC carrying out the Building Control function on behalf of the Council will be £62,000 (plus an allowance for inflation) for the next 5 years. This is considered to be significantly more cost effective than the council running its own building control service.

5.0 Personnel Implications

- 5.1 There are no additional personnel implications with this recommendation.

6.0 Environmental Considerations

- 6.1 None specific to this proposal, as the building regulations are set nationally.

7.0 Statutory Considerations

- 7.1 This will allow the statutory Local Authority Building Control function to continue to be carried out on behalf of the council, by CNC Building Control, which it has since 2010.

8.0 Equality Impact Assessment (EIA)

(Pre screening report template attached)

8.1 Pre-screening EIA attached to this report.

9.0 Risk Management Implications

9.1 This is considered to be positive given the robustness of the existing CNC partnership arrangement and the advantages it provides, including increased resilience within a competitive environment.

10.0 Declarations of Interest / Dispensations Granted

10.1 None.

Background Papers

Previous Cabinet Report on continuation of the CNC partnership - April 2018

Pre-Screening Equality Impact Assessment

Borough Council of
King's Lynn & West Norfolk



Name of policy/service/function	Continuation of CNC Building Control carrying out the Council's statutory Building Control function				
Is this a new or existing policy/ service/function?	Existing				
Brief summary/description of the main aims of the policy/service/function being screened. Please state if this policy/service rigidly constrained by statutory obligations	To provide a Building Control function for the Borough Council. This is a statutory requirement.				
Question	Answer				
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		Positive	Negative	Neutral	Unsure
	Age			x	
	Disability			x	
	Gender			x	
	Gender Re-assignment			x	
	Marriage/civil partnership			x	
	Pregnancy & maternity			x	
	Race			x	
	Religion or belief			x	
	Sexual orientation			x	
	Other (eg low income)			x	
Question	Answer	Comments			
2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?	No				
3. Could this policy/service be perceived as impacting on communities differently?	No				
4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?	No				
<p>5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions? If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section</p>	N/A	Actions: N/A			
		Actions agreed by EWG member:			
Assessment completed by: Name: Stuart Ashworth					
Job title: Assistant Director – Environment & Planning	Date: 11/5/2023				