

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**CORPORATE LEADERSHIP TEAM'S**

**REPORT TO CABINET**

**10<sup>th</sup> SEPTEMBER 2024**

**Report Title:** North Staffordshire Building Control Partnership SLA

**Submitted by:** Deputy Chief Executive

**Portfolios:** Strategic Planning

**Ward(s) affected:** All

<b><u>Purpose of the Report</u></b>	<b><u>Key Decision</u></b>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<p>The purpose of the report is to agree the renewal of a shared building control service known as the North Staffordshire Building Control Partnership between Stoke-on-Trent City Council and Newcastle Under Lyme Borough Council to 2029 and seek approval to enter into an updated partnership agreement between the two councils.</p>			
<p><b><u>Recommendation</u></b></p> <p><b>That Cabinet:</b></p> <ol style="list-style-type: none"> <li>1) Approves the renewal of the shared building control service between Stoke on Trent City Council and Newcastle under Lyme Borough Council to discharge the statutory building control functions for the Borough Council to 2029; unless terminated earlier in accordance with the provisions of the agreed deed.</li> <li>2) Delegates authority to the Portfolio Holder for Strategic Planning in consultation with the Service Director Planning to finalise the specific terms and conditions and sign the updated partnership agreement on behalf of the Borough Council including any necessary data sharing requirement agreements.</li> <li>3) Delegates authority to the Service Director Planning to oversee delivery of the building control services provided by Stoke-on-Trent City Council to the Borough Council in accordance with the partnership agreement; review the Annual Business Plan and fee setting proposals; attend quarterly meetings with Stoke On Trent City Council to review performance including in terms of finance; and, report on performance to the relevant Scrutiny Committee at the Borough Council.</li> </ol>			
<p><b><u>Reasons</u></b></p> <p>The North Staffordshire Building Control Partnership managed by Stoke-on-Trent City Council has provided a quality building control service to Newcastle Borough Council for a period of time. The arrangement allows for a resilient and sustainable service and at a financial cost which is appropriate to both local authorities. As such it is recommended that the service is extended for another 5 years.</p>			

## 1. Background

1.1 On 25<sup>th</sup> July 2007, the Borough Council entered into a Service Level Agreement with Stoke-on-Trent City Council for the City Council to provide a building control service on behalf of the Borough Council. This was a 10 -year agreement that subsequently was reviewed and agreed on a rolling basis year by year. During that time the Borough Council has undertaken a number of best value exercises and has concluded that the arrangement with the City Council delivers a good quality service at an appropriate cost. Officers of the Borough Council consider it suitable to continue the relationship with the City Council and discussions have taken place regarding moving forward with a 5-year extension to 2029 subject to the signing of partnership agreement.

## 2. Issues

2.1 The Borough Council has a statutory duty to provide a building control service to ensure the safety of occupants and users of buildings developed in the borough and that such buildings and structures meet prescribed performance standards. The services are provided by professionally qualified building surveyors responsible for advising on building regulations, checking submitted plans and proposals and assessing works subsequently undertaken for compliance. The tragedy around Grenfell Tower highlighted nationally the importance of building regulations and the need for proper implementation and compliance.

2.2 Since 2007 the building control functions of the Borough Council have been wholly undertaken by officers employed by Stoke-on-Trent City Council as part of a North Staffordshire Building Control Partnership serving both councils. Under the arrangement which is detailed in a partnership agreement between both authorities, Stoke-on-Trent City Council has put in place a dedicated resource serving Newcastle-under-Lyme comprising a manager, surveyor(s) and administrative support. The agreement sets out the specific functions which are intended to be delivered, governance arrangements, the costs and how the service will be funded.

2.3 The services to be provided include – team management, recruitment, training, plan checking, site visits, enforcement, fee collection, dangerous structures and compliance with the Building Safety Act 2022.

2.4 The proposal is contained in the accompanying restricted report at this Cabinet. Under the proposed agreement, fees/charges received in respect of Newcastle-related work would fund the costs of the post for the service (including 50% of the Team Manager role) and also as at present, NULBC would pay a management fee, index linked, towards the central support costs of the City Council. Where, income from fees generated across a financial year do not meet costs then any shortfall in accordance with the agreement would be met, as they are currently, by the Borough Council.

2.5 Both Councils are responsible for approving the annual budget and fixing fees and charges.

2.6 To oversee the partnership and ensure delivery a quarterly officer panel will be held.

- 2.7 The draft agreement now presented follows from discussions with Stoke-on-Trent City Council and the sharing of iterations of the agreement reviewed by officers responsible for legal, procurement and insurance matters at the Borough council.

### 3. **Recommendation**

#### 3.1 Cabinet is recommended to:

- Approve the renewal of the shared building control service between Stoke-on-Trent City Council and Newcastle-under-Lyme Borough Council to discharge the statutory building control functions for the Borough Council to 2029; unless terminated earlier in accordance with the provisions of the agreed deed.
- Delegate authority to the Portfolio Holder for Strategic Planning in consultation with the Service Director Planning to finalise the specific terms and conditions and sign the updated partnership agreement on behalf of the Borough Council including any necessary data sharing requirement agreements.
- Delegates authority to the Service Director Planning to oversee delivery of the building control services provided by Stoke-on-Trent City Council to the Borough Council in accordance with the partnership agreement; review the Annual Business Plan and fee setting proposals; attend quarterly meetings with Stoke-on-Trent City Council to review performance including in terms of finance; report on performance to the relevant Scrutiny Committee at the Borough council.

### 4. **Reasons**

- 4.1 The North Staffordshire Building Control Partnership managed by Stoke on Trent City Council has provided a quality building control service to Newcastle Borough for a period of time. The arrangement allows for a resilient and sustainable service and at a financial cost which is appropriate to both local authorities. As such it is recommended that the service is extended for another 5 years.

### 5. **Options Considered**

- 5.1 The Borough Council could decide not to continue with the arrangement with Stoke-on-Trent City Council. However, this would mean the Borough Council would have to establish an alternative means of delivering its statutory building control functions. Best Value assessments have determined that the partnership with the City Council provides benefits including providing for a resilient, sustainable and cost-effective service.

### 6. **Legal and Statutory Implications**

- 6.1 Section 101 of the Local Government Act 1972 permits a local authority to discharge the functions of any other local authority. The proposals in this report are to approve an agreement between Stoke-on-Trent City Council and the Borough Council for the City Council to provide a statutory building control service on behalf of the Borough Council for a further 5 years to 2029. The agreement must establish the process for the delivery of the ongoing service.

## 7. Equality Impact Assessment

- 7.1 The continuation of the partnership will assist with delivery of disability access grants across the two authorities as the building control service has a statutory duty to support such programmes at nil fee.

## 8. Financial and Resource Implications

- 8.1 The expectation is that fees will generate income to off-set the costs of the partnership agreement and as such it is in the interests of the building control service to capture as much of the market share as it can and provide a good quality service that people want to use. As per the report, where there is any shortfall the Borough Council agrees to pay this. If a surplus is achieved after accounting for any costs and liabilities under the agreement, the residual is applied in line with the Annual Business Plan.

## 9. Major Risks & Mitigation

- 9.1 The key risks to the Borough Council are that fee income generated by the service leaves a significant shortfall which will need to be covered by the Authority and separately, that issues relating to skills within the building control profession impact on the ability of the partnership to deliver the services agreed to be provided.
- 9.2 With regard to finances, annual budgets and the setting of fees and charges will be reviewed and agreed jointly and then monitored regularly through the financial year. Liaison between the Borough Council's Service Director Planning, the City Council's Strategic Manager (Planning and Transportation) and the respective team manager for Newcastle's building control service will allow for any management actions to be taken when deemed appropriate.
- 9.3 As with a number of professions, there are challenges within the building control sector as regards the numbers of skilled surveyors. This is likely to be exacerbated by the demands being made as result of the new Building Safety Act. To help combat the above, the Partnership provides opportunities for growth and career enhancement and has also created trainee positions to assist with longer term resilience.

## 10. UN Sustainable Development Goals (UNSDG)

- 10.1 The renewal of the shared building control service between Stoke-on-Trent City Council and Newcastle-under-Lyme Borough Council will contribute to the following UN Sustainable Development goals:



## 11. Key Decision Information

11.1 See confidential report to this Cabinet.

12. **Earlier Cabinet/Committee Resolutions**

12.1 None

13. **List of Appendices**

13.1 Draft Partnership Agreement appended – Appendix 1.

14. **Background Papers**

14.1 None