

# Pennine Lancashire Building Control – Withdrawal from Joint Agreement

## EXECUTIVE COMMITTEE



|                      |                                  |
|----------------------|----------------------------------|
| <b>DATE</b>          | <b>6<sup>th</sup> April 2022</b> |
| <b>PORTFOLIO</b>     | <b>Housing</b>                   |
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## PURPOSE

1. To seek approval for Burnley Council as a Partner Authority of the Pennine Lancashire Building Control (PLBC) Partnership Agreement, to give notice of withdrawal from membership of the Joint Committee and proceed with all withdrawal arrangements including completion of contractual obligations and settlement of financial commitments.

## RECOMMENDATION

2. That the Executive approves the issuing of a written notice of withdrawal of Burnley Council from the PLBC Partnership Agreement.
3. That the Executive delegates authority for completion of all exit arrangements, including but not limited to contractual obligations, settlement of financial commitments and staff transfers to the Head of Housing and Development Control in consultation with the Executive Member for Housing.
4. That the Executive recommends to Full Council that the PLBC Constitution is removed from Burnley Council's constitution (currently Part 3 Appendix B 2d).

## REASONS FOR RECOMMENDATION

5. To carry out all necessary steps that will enable the Council to withdraw from the PLBC Partnership Agreement.
6. Blackburn with Darwen Council is the other Partner Authority of PLBC, and by mutual consent of the two parties they are also progressing their approval arrangements to withdraw from the Partnership Agreement.

## SUMMARY OF KEY POINTS

7. The PLBC joint service agreement was established in 2009 and created a single shared service for the delivery of statutory Building Control functions, with an integrated strategy and IT solution. Blackburn with Darwen Council and Burnley Council are the only Partner Authorities.
8. As the service has evolved over the years, several challenges have arisen, with key issues identified as follows:
  - a. The service is a statutory service which operates in a competitive market amongst approved inspectors;
  - b. Recruitment and retention of building surveyors has been extremely challenging due to competition from approved inspectors and increasing expectations, causing a shortage of resources within the team and added pressure on individuals;
  - c. The post-Grenfell Building Safety Bill anticipates more responsibility and accountability for Building Control professionals and authorities;
  - d. Despite being a joint service, in practice the team operates as two distinct sub-teams at two separate locations with two separate websites which combine to limit the scope for greater service integration and resource utilisation; and
  - e. Whilst the digitisation of procedures is underway, there are process inefficiencies and differing operating systems within the two office bases.
9. For the reasons set out above, along with the potential to improve customer service and team integration for the Building Control teams within their respective authorities, the recommendation is to progress with a mutually-agreed joint withdrawal from the PLBC agreement. The proposal to seek approvals for withdrawal was discussed and approved by the PLBC joint committee on 20<sup>th</sup> January 2022. Therefore, each of the member Councils are now requested to formally approve the issuing of withdrawal notices, with further work to be undertaken to finalise exit arrangements.
10. The existing formal agreement allows a Partner Authority to withdraw from membership by giving 24 months notice (or such shorter period of time agreed by the Partner Authorities). As both Partner Authorities have indicated an agreement to mutually withdraw, a suggested date for the formal end of the agreement is 31<sup>st</sup> March 2023, with each authority anticipated to be working independently by 31<sup>st</sup> December 2022. Final agreement on timescales is to be delegated to the Head of Housing and Development Control in consultation with the Executive Member for Housing.
11. The alternative option, considered by the PLBC Joint Committee in January 2022, was to work towards addressing the on-going challenges by significantly reconfiguring and restructuring the service. This would involve operating from a single office base, creating a single web presence and working as one team under one set of procedures. This option was not taken forward because it would have resulted in the Building Control teams continuing to be disconnected from their wider Council teams.
12. Officers from both teams have worked positively to develop the current arrangements but as the priorities and operational needs of each Council have evolved since 2009, it is now

apparent in 2022 that the authorities could be better served by re-integrating each Building Control team into their respective services areas within their local authority.

13. The proposed withdrawal will allow for the Burnley and Blackburn with Darwen Building Control teams to be better integrated within their wider respective departments at each authority. This will enable more effective local decisions to be taken regarding new back-office systems, procedures and resourcing whilst continuing to collaborate and support each other whenever necessary.

#### **FINANCIAL IMPLICATIONS AND BUDGET PROVISION**

14. Financial implications of the withdrawal are to be determined, with final agreement delegated to the Head of Housing and Development Control. Service costs and income are expected to be proportionate to the Council's share of the existing service and the proposal will not result in adverse financial impacts. Service improvements could result in an increased market share when competing with Approved Inspectors and therefore the Council could see fee income rising over time.
15. Each member authority is required by the PLBC Joint Agreement to continue to meet its share of the financial commitment, liabilities and costs, and contractual obligations, until the conclusion of the commitment or obligation as provided for in the contract. A new budget for the service would therefore need to be agreed from the 2023 / 24 financial year.

#### **POLICY IMPLICATIONS**

16. The recommendation will allow for more localised decision-making for the service, such as for the provision of new back-office systems, procedures, service efficiencies and resourcing.

#### **DETAILS OF CONSULTATION**

1. None

#### **BACKGROUND PAPERS**

17. None

#### **FURTHER INFORMATION**

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