

**MINUTES OF A MEETING OF THE
BUILDING CONTROL BOARD
HELD ON 20 JANUARY 2020 AT 6.30 - 7.40 PM**

Committee Members Present

Parry Batth (Chairman)	Wokingham Borough Council
Hilary Cole (Vice-Chairman)	West Berkshire Council
Michael Firmager	Wokingham Borough Council
Donna Stimson	Royal Borough of Windsor and Maidenhead

Officers Present

Terry Ann-Cramp	Royal Borough of Windsor and Maidenhead
Clare Lawrence	Wokingham Borough Council
Sean Murphy	West Berkshire Council
Roger Paine	Wokingham Borough Council
Richard Prewer	Royal Borough of Windsor and Maidenhead
Callum Wernham	Democratic and Electoral Services Specialist

1. ELECTION OF CHAIRMAN

RESOLVED That Councillor Parry Batth be elected Chairman for the 2019/20 Municipal Year.

2. APPOINTMENT OF VICE CHAIRMAN

RESOLVED That Councillor Hilary Cole be appointed Vice Chairman for the 2019/20 Municipal Year.

3. APOLOGIES

Apologies for absence were submitted from Councillor James Cole and Councillor David Coppinger.

4. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Board held on 11 March 2019 were confirmed as a correct record and signed by the Chairman.

Michael Firmager, Wokingham Borough Council, queried whether the IT data transfer minuted on agenda page 4 had been completed. Roger Paine, BCS Commercial and Operational Manager, stated that Wokingham's legacy data had been transferred and West Berkshire's IT department were working on transferring their legacy data. Royal Borough of Windsor and Maidenhead's (RBWM's) legacy and current data would not be transferred to Tascomi and had to be run using a separate system.

5. DECLARATION OF INTEREST

There were no declarations of interest.

6. UPDATE FROM RBWM WITH REGARD TO THE SHARED SERVICE

The Board received a verbal update from RBWM with regard to the Shared Service.

Richard Prewer, Head of Operations – RBWM, stated that RBWM did not intend on continuing within the Shared Service at the end of the contract (18 months' time). Richard stated that the Director of Corporate Services at Wokingham Borough Council had acknowledged this.

Richard stated that RBWM Officers still met with other Shared Service Officers on a regular basis, and Councillor Donna Stimson had recently joined the Member Board to assist Councillor David Coppinger who was very busy with a variety of responsibilities at RBWM. RBWM did not want to make the next 18 months a burden for Wokingham or West Berkshire, and were working on a transition plan to make things as easy as possible for the Service.

Clare Lawrence, Assistant Director – Place (Wokingham BC), asked that RBWM endeavoured to continue to attend both Member and Officer Board meetings throughout the next 18 months.

RESOLVED That the verbal update from RBWM be noted.

7. BCS FINANCIAL OUTTURN 2018/19 AND YEAR-END FORECAST 2019/20

The Board received and reviewed a report, set out in agenda pages 9 to 14, which outlined the BCS 2018/19 outturn and the year-end forecast for 2019/20.

During the ensuing discussion the following points were raised:

- During the 2018/19 financial year, BCS had worked hard to reduce partner contributions towards the service;
- A small 'profit' had been made during 2018/19, which had been added to the reserves for levelling out costs, and reinvestment back into the service;
- Recruitment and retention was still an issue within the Service. Two apprentices had come on board in addition to two surveyors from other construction areas. Unfortunately, one of the new surveyors was headhunted back to his previous field. This had meant the Service has had to rely on temporary agency staff to cover workloads;
- Michael Firmager stated that these were specialised roles, and the Service was clearly attracting the right people if they were being headhunted;
- Hilary Cole, West Berkshire Council, queried whether the service had tried to recruit from the four private firms that went into liquidation over the summer. Roger Paine stated that they had tried to recruit in the immediate aftermath of the liquidations, however these staff were being targeted by other firms and Local Authorities which had made their recruitment unsuccessful.

RESOLVED That the BCS 2018/19 outturn and the year-end forecast for 2019/20 be noted.

8. BUILDING CONTROL SHARED SERVICE CHARGES

The Board received and reviewed a report, set out in agenda pages 15 to 20, which set out the proposed changes to the BCS charges.

Hilary Cole queried whether the proposed increase in charges for erection or extension of a garage or carport would have an effect on business. Roger Paine stated that this was unlikely to affect business as an application of this nature was not very common. In addition, this increase was intended to bring these charges in line with adjoining authorities.

RESOLVED That the proposed charges be agreed and set from 1st April 2020, subject to agreement from each respective Partner's decision making process.

9. ADJUSTING THE ACTIVITY % SPLIT BETWEEN THE TRADING AND NON-TRADING BUILDING CONTROL ACCOUNTS

The Board received and reviewed a report, set out in agenda pages 21 to 30, which set out the potential risks of adjusting the percentage activity split to 95/5 percent as requested by RBWM.

During the ensuing discussions the following points were raised:

- Roger Paine stated that the trading side of the business was the work that BCS was in competition with the private sector, this portion of the business had to be self-financing;
- Non-trading were activities that a Local Authority had to undertake as statutory duties, such as demolitions, dangerous structures and giving general advice. Non-trading activities were paid for by normal Council Tax payments;
- The current split was 83/17 percent trading to non-trading. Any substantial change to this split could have a major impact on workload for the service and the level of fees charged for trading work. It could also be deemed as illegal to finance the cost of non-trading duties with trading work;
- Clare Lawrence stated that the split had changed last year which had reduced the costs for all partners. Any further reduction in the split would not be an accurate reflection of workload and fees would have to substantially increase;
- The Board commented that they could not agree to the request from RBWM, due to the significant consequences associated with an 'overnight' change in the percentage split.

RESOLVED That the Board:

- 1) Noted the legal parameters that governed the financial management of the trading and non-trading accounts and agreed with the methodology for reviewing the percentage split of activities between the accounts;
- 2) Noted the impact of making an adjustment to the percentage split between the trading and non-trading accounts;
- 3) Formally rejected RBWM's request for a change to a 95/5 percent trading to non-trading split.

10. BUILDING CONTROL TRANSFORMATION PROGRAMME UPDATE

The Board received and reviewed a report, set out in agenda pages 31 to 52, which gave an update on the Building Control Transformation Programme Update.

During the ensuing discussion the following points were raised:

- Roger Paine stated that the Service felt that what could be achieved within the transformation project had been achieved given current circumstances. Considerable progress had been made, including finding permanent accommodation, however further work could not progress further currently;
- Donna Stimson, RBWM, queried what level of work each Partner Authority provided the Service. Roger Paine stated that Wokingham Borough Council provided approximately 40 percent of the workload, whilst West Berkshire Council and RBWM provided approximately 30 percent of the workload each;
- Roger Paine stated that the service had previously struggled to hit KPIs relating to certificate completions. The service was now back above the KPI for certificate completions and overall performance across the Service was good;
- Michael Firmanger queried whether having agency staff presented any issues to the Service in terms of performance. Roger Paine stated that only qualified building control surveyors, from chartered surveyor professional bodies, were hired to these specialist roles. All agency staff were managed in the same way as permanent staff, including performance management. Some agency staff, by nature of being on a temporary contract, may not be as committed to BCS as permanent members of staff.

RESOLVED That the Building Control Transformation Programme Update be noted.

11. USE OF THE BUILDING CONTROL RESERVE

The Board received and reviewed a report, set out in agenda pages 53 to 58, which outlined the current building control reserve and proposals of where spends might be made.

During the ensuing discussion the following points were raised:

- Roger Paine stated that the reserve was present in order to even out income streams over a three year period, and any excess could be used to make improvements within the Service;
- There had been a proposal to purchase a new scanner, however this had been put on hold whilst a trial with Digital Solutions was being undertaken;
- There had been a proposal to invest in Netcall systems, however this had been put on hold as existing systems may be able to be modified to work better for the purposes required;
- Sean Murphy, Public Protection Manager, clarified that the current predicted 2020/21 surplus level was deemed to be a worst case scenario of reserve levels;
- Hilary Cole queried what would happen to the reserve once RBWM withdrew from the Service. Clare Lawrence stated that this would be decided as part of the withdrawal settlement. Extra costs, such as RBWM not using the Tascomi system, would need to be factored into any settlement.

RESOLVED That the Board:

- 1) Agreed the current proposals for spend of the reserve;

2) Agreed to submit proposals for further spending at a future Board meeting.

12. INFORMATION SHARING AGREEMENT

The Board received and reviewed a report, set out in agenda pages 59 to 78, which detailed the information sharing agreement between the Partner Authorities.

During the ensuing discussions the following points were raised:

- The information sharing agreement had been updated due to the General Data Protection Regulations (GDPR). The new agreement had been signed by both Wokingham Borough Council and West Berkshire Council.
- RBWM's data protection officer had made several additional comments, however it was felt that RBWM were broadly happy to sign the new agreement subject to the aforementioned clarifications;
- It was hoped that RBWM would sign the new agreement in the coming weeks;
- Michael Firmager stated that developments after the UK's departure from the European Union needed to be monitored as this could create a change in data protection regulations within the UK.

RESOLVED That Members of the Board:

- 1) Agreed to the Information Sharing Agreement contained at Appendix A;
- 2) Would seek agreement and signing of the Information Sharing Agreement from their respective Authorities.

13. BCS BUSINESS PLAN

The Board received and reviewed a report, set out in agenda pages 79 to 126, which outlined the proposed BCS business plan.

During the ensuing discussions the following points were raised:

- The business plan was proposed on the assumption of a Shared Service. West Berkshire had indicated acceptance, however no feedback had been received from RBWM to date;
- Richard Prewer stated that RBWM felt that Wokingham Borough Council and West Berkshire Council should feel free to do what was best for the Service in terms of the proposed business plan. RBWM had no obvious concerns with the proposed business plan;
- It was noted that Appendix 3 (fees and charges) and the balance sheet would need updating, as the fees and charges had been amended by the Board and the balance sheet was out of date;
- Michael Firmager asked whether any progress had been made with regards to recruitment to the two posts created after the Business Support and Development Manager role was split. Roger Paine stated that the role had been split, and the

Business Development and Marketing role had been recruited to, however the applicant subsequently found a job at a neighbouring Authority. It was felt that this was not the best time to recruit to this role as the marketing could bring in an unmanageable level of work for the current staffing levels. Recruitment to this role was anticipated later in the year when further clarity with regards to the direction of the service was realised.

RESOLVED That Members of the Board approved the BCS Business Plan.

14. ANY OTHER BUSINESS

The Board discussed a number of items of any other business.

During the ensuing discussions the following points were raised:

- It was confirmed that the legal agreement only stipulated that 1 Board meeting per annum was required as a minimum. The Board agreed to edit the terms of reference to reflect this;
- Hilary Cole queried whether the Service had responded to the Government's Part L consultation. Roger Paine stated that BCS had not issued a response to this consultation to date. Hilary Cole suggested that a briefing note could be sent to Board Members, outlining the purpose of the consultation and the potential ramifications with regards to Local Authorities achieving carbon neutral homes should the Government's suggested action go ahead. The Board agreed to this suggestion, and asked that following this a response be submitted from BCS to the consultation;
- Sean Murphy noted that the outcome of the Grenfell Inquiry could have potential impact on the Service, and suggested that this be monitored. The Board agreed to this action;
- Sean Murphy stated that the Officer Board would look to align its aims with the corporate agenda of the Partner Authorities.

RESOLVED That the Board:

- 1) Agreed to amend the terms of reference to state that an annual meeting of the Board was the minimum required frequency of meetings;
- 2) Agreed that a briefing note be sent to Members outlining the Governments Part L consultation, and that a response to the consultation subsequently be submitted from the BCS;
- 3) Asked Officers to monitor the outcome of the Grenfell Inquiry with relation to building control regulation ramifications, and keep Board Members updated;
- 4) Asked Officers to look to align the Officer Board's aims with the corporate agenda of the Partner Authorities.