
Building Control Assurance and Update Report

Committee considering report:	Executive
Date of Committee:	18 December 2025
Portfolio Member:	Councillor Tom McCann
Report Author:	Sean Murphy
Forward Plan Ref:	EX4739

1 Purpose of the Report

- 1.1 This report aims to update the Executive on the provision of the shared Building Control Service and recent developments in the sector.

2 Recommendation

- 2.1 That Executive is **INFORMED** of the matters set out in this report.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	<p>The Council currently contributes £124K per annum to the shared service for delivery of the non-fee earning aspects of the Building Control Service. This was an increase of £45K in 2025/26 to reflect the renewed focus on compliance leaving a split of 70% / 30% between fee earning and non-fee earning work, the latter being non-fee earning.</p> <p>At the start of the 2025/26 the Shared Building Control Service was approximately £100K in deficit in a budget that must be balanced over a three-year cycle. This was primarily caused by the need to use agency staff in 2024/25 following staff losses and the fact that the split between fee earning and non-fee earning work was no longer valid. It is anticipated at the end of the current financial year this will be reduced significantly following the rebalancing of the service budget.</p> <p>There also continues to be continued pressures because of competition and the need to engage agency staff. The fees this year were set anticipating the significant use of agency staff and in year costs should be managed within budget.</p>

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	In October 2026 it is anticipated that the Building Safety Levy will commence. A Section 31 grant has been indicated to both partner authorities for set up and this is in the order of £130K each. Going forward there will be a top slice of the levy for collecting and in West Berkshire terms we anticipate this to be in the order of £60k to £90K per annum.			
Human Resource:	All staff are currently employed by Wokingham Borough Council, but West Berkshire Council has a responsibility to ensure that staff remain competent to deliver the service on its behalf.			
Legal:	<p>The legal framework is set out in the report.</p> <p>The arrangements for service delivery are set out in the Inter-Authority agreement effective 1st April 2024.</p>			
Risk Management:	The risks are set out comprehensively in the report as are the proposed mitigations.			
Property:	None			
Policy:	None			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		

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B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		
Environmental Impact:	X			Building regulations set out a raft of provisions aimed at energy efficiency and protecting the environment.
Health Impact:	X			Poor housing affects health, unsafe housing risks injury or death. It is incumbent on those charged with compliance and enforcement including the Councils building control and public protection functions to perform their duties effectively and competently.
ICT Impact:		X		
Digital Services Impact:		X		
Council Strategy Priorities:				None
Core Business:				Contributes to: <ul style="list-style-type: none"> • Safer, healthier homes. • Protective services
Data Impact:		X		
Consultation and Engagement:	Corporate Board have been consulted.			

3 Executive Summary

- 3.1 The Grenfell Tower tragedy was the worst peacetime tragedy of the modern era. The loss of over seventy lives and the personal impact on so many people is still felt strongly today. Although the tragedy occurred in 2017 the resulting Inquiry only concluded in the autumn of 2024 such was the level of detail it considered.
- 3.2 The tragedy also had significant impacts for those responsible for the regulation of construction and housing. The subsequent Inquiry and review led to legislative changes and proposals for the future delivery of the regulatory framework. The purpose of this report is to set out the various implications for the Council and set out proposals arising from the Inquiry with respect to Building Control functions.
- 3.3 The report sets out a range of challenges facing the service at local level including issues around recruitment and retention and the effects of competition on the delivery of the service and the consequential implications on the budget. The report also explores the national landscape and in particular progression of the Grenfell Inquiry recommendations on the future of Building Control and the implications of recent collapses of private sector suppliers.
- 3.4 Officers are of the view that these functions need to be positioned within the Council as protective services with the focus around compliance, enforcement and public protection whilst seeking to compete to reduce the financial impact on the Council.

4 Supporting Information

Background

- 4.1 In the early hours of the 14th June 2017 fire broke out in the Grenfell Tower block of flats in North Kensington. The fire, which was subsequently discovered to have been started by an electrical fault in a refrigerator in a fourth-floor flat, spread rapidly engulfing the block leading to the deaths of 72 people. A further 70 were injured and 223 escaped.
- 4.2 It was established very early on that the cladding / insulation on the exterior of the building had contributed significantly to the spread of fire and in turn to the significant loss of life. In 2016 an independent report had identified a large number of serious issues with fire safety in the building including the fitting of fire doors and smoke venting systems.
- 4.3 The building had been renovated in the period 2014-2016 and the Building Control functions were delivered by Royal Borough of Kensington and Chelsea – Building Control Service. The Officer who was allocated oversight visited the site some 16 times over this period.

The Review and the Grenfell Inquiry

- 4.4 Following the tragedy several reviews took place. The first, the Independent Review of Building Regulations and Fire Safety was undertaken by Dame Judith Hackitt. The interim report published in December 2017 described the entire regulatory regime as being 'unfit for purpose' although did not propose an outright ban on cladding. In 2018 the government announced a ban on flammable cladding on all buildings over 18
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metres in height as well schools, care homes, and student accommodation. Meanwhile local councils were instructed to identify all high-rise buildings (defined as over 18 metres) and along with the fire service assess compliance. By June 2020, around 2,000 high-risk buildings had been identified over 18m tall in England alone; a further 9,600 high-rise buildings thought to have combustibile cladding; and 100,000 between 11 and 18 metres. In West Berkshire, the buildings identified as being over 18 metres were those at The Racecourse development and Parkway.

- 4.5 In 2017 the government also announced a Public Inquiry to be led by Sir Martin Moore-Bick. This was to run alongside a criminal investigation being undertaken by the Metropolitan Police. Phase 1 reported in October 2019 and concluded that the construction and type of cladding / insulation was the primary reason for the fire spread. Phase 2 commenced in January 2020 and concluded in September 2024.

5 Implications for Local Authorities

The Building Safety Regulator

- 5.1 The Building Safety Act 2022 established the Building Safety Regulator (BSR). The Regulator was assigned three key responsibilities namely:
- regulate higher-risk buildings,
 - raise safety standards of all buildings, and
 - help professionals in design, construction, and building control, to improve their competence.
- 5.2 The BSR set out a competence framework for all Building Control Surveyors that had to be met by April 2024. This meant training and a full end point assessment. There are various levels of competence requirements, and all surveyors and approval bodies must be registered with the BSR. In June 2023 the Regulator also set out a code of conduct for the Building Control Approval Bodies as well as a code of conduct for Building Control Inspectors. Non-compliance with the codes can lead to registration being withdrawn. Non-compliance with the terms of registration can lead to criminal convictions for both the approval body and the registered inspector. There are also misconduct rules and implications that can lead to investigation and ultimately loss of registration.
- 5.3 Local authorities are not required to register as an 'approval' body however it is subject to the regulatory regime set out in Part 2 of the amended Building Act 2004 which includes inspections by the BSR to check on effectiveness of performing their BC functions. They are also subject to the provisions relating to the service of improvement notices and where there are continuing failings or in the view of the BSR people are being put at risk the functions can be transferred legally to another local authority or to the Secretary of State. Bracknell were, for example, inspected in December 2024 so it is likely West Berkshire will be inspected at some point.
- 5.4 The Building Act 2004 was also amended to allow for the issuing of statutory Operational Standards Rules (OSR's). These were issued in September 2024. It is a criminal offence for a local authority not to comply with a contravention notice issued by the BSR with respect to non-compliance with the OSR's. In addition, there are offences for obstructing and /or deceiving a BSR officer or for giving false or
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misleading information to the BSR. Registered Building Inspectors (including those employed by local authorities) also commit criminal offences if they do any of the following:

- give advice or act outside the scope of their registration.
- deliberately do anything that implies work is within scope of their registration when it is not.
- act as or imply that they are an RBI, without being registered.
- obstruct, deceive, or impersonate an authorised BSR officer.
- give false or misleading information to BSR.
- fail to provide information as requested by an authorised BSR officer.

It is worth noting that not only can a local authority face criminal charges, but it can also be charged for the cost of any investigation and prosecution.

5.5 Paragraph 1.10 of the Operational Standard Rules makes it clear that authorities within shared service arrangements need to have in place compliance arrangements. The guidance suggests that this includes:

i) random spot checks.

ii) peer review.

iii) internal audit.

iv) external audit.

v) management review.

5.6 It is also suggested that the Council review complaints, performance, requests by the regulatory authority and any prevailing guidance. Ultimately, the authority needs sufficient competence and understanding of the service to provide proper oversight of compliance with the OSR. The OSR can be found here: [Operational standards rules - GOV.UK](#) . It is not specifically stated but it is reasonable to interpret that a local authority can face legal action as per 5.4 above regardless of whether delivery is delegated under a shared service arrangement.

5.7 Finally, on the 30th October 2024 the government announced that local authorities will be responsible for recovering the Building Safety Levy on behalf of the Secretary of State. New burdens funding is indicated to assist with setting up collection mechanisms. Ongoing costs will be recovered by keeping a proportion of the levy receipts. Local authorities are required to register as collection authorities.

The Inquiry Findings – Building Control

5.8 Phase 2 of the Grenfell Inquiry looked in detail at the impact of regulatory failure and the role it played in the tragedy. This included looking at the role that materials approval bodies, LABC, London Fire Brigade and RBKC Building Control Service played.

- 5.9 With respect to the RBKC building control service the Inquiry identified a catalogue of failings from missing records, failure to ask for critical information through to fundamental flaws in ensuring the competence of individual inspectors to conduct specialist work. It also identified an over-willingness of the Council to see itself as a partner to the industry stating at 62.14 that this *'reflect(ed) a fundamental misunderstanding among many of those who work in the construction industry, contractors, building control bodies and others, that the function of building control is to provide a service to applicants rather than to enforce the regulations robustly for the benefit of the community at large'*.
- 5.10 Whilst the Inquiry report identified that the primary failings fell to the individual inspector it noted that, *'his ability to carry out his task effectively was hampered by an excessive workload and poor management of the department as a whole.'* For example, the Building Control Manager was unaware that that this was the first residential cladding application that the inspector had worked on. Ultimately and for a whole chain of failings the Council issued a competition certificate on an unsafe and non-compliant building noting, *'Grenfell Tower did not comply with the Building Regulations and was dangerous, building control was the last line of defence and had a statutory obligation to check for compliance with the Building Regulations'*.
- 5.11 A full summary of the findings with respect to Building Control can be found in Chapter 62 here [Phase 2 report](#)

The Inquiry Recommendations – Building Control

- 5.12 Local authority building control services have had to compete for many years with the private sector. Until recently called 'approved inspectors' but now identified as 'Registered Building Approvers.' This has led to competition being a major focus for building control services and the drive for commercialisation and difficulty in recruiting and retaining staff as LAs are constrained by LA terms and conditions. The Inquiry was critical of this competitive arrangement identifying building control as an important protective service. At 113.35 of the report, it was stated that, *'the evidence shows that in the period leading up to the Grenfell Tower fire many of those involved in major construction projects, including clients, contractors and even architects, regarded building control primarily as a source of advice and assistance. It was even described as an extension of the design team. In many cases that was how building control itself saw its role. That was a serious misunderstanding, but it was fostered by building control bodies themselves, who preferred to co-operate with applicants to enable proposals to be approved rather than enforce the Building Regulations rigorously. In our view, that has to change.'*
- 5.13 The Inquiry stated that as a result, *'competition for work between approved inspectors and local authority building control departments introduced a similar conflict of interest affecting them. As things stand that underlying conflict of interest will continue to exist and will continue to threaten the integrity of the system. We therefore recommend that the government appoint an independent panel to consider whether it is in the public interest for building control functions to be performed by those who have a commercial interest in the process.'*
- 5.14 Finally the Inquiry looked at the broader delivery of building control services and concluded that, *'the shortcomings we have identified in local authority building control*
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suggest that in the interests of professionalism and consistency of service all building control functions, including those currently performed by local authorities, should be exercised nationally. Accordingly, we recommend that the same panel consider whether all building control functions should be performed by a national authority.'

West Berkshire Council Functions

- 5.15 In April 2024 West Berkshire and Wokingham Borough Councils entered into a new five-year shared service arrangement. This arrangement recognised the complexity of the regulatory regime, the impact of competition, the renewed focus on public protection, challenges around recruitment and retention and financial challenges posed by increased levels of compliance.
- 5.16 The shared service management have confirmed that all staff involved in the delivery are registered and competent and the service itself is notified to the BSR and registered for the purpose of the Building Safety Levy. Support staff have also been subject to additional qualification training.
- 5.17 The Inter-Authority Agreement (IAA) is built upon a delegation of the delivery of the Building Control functions to Wokingham as host authority. This includes issuing or refusing competition certificates and conducting other statutory functions including those relating to demolitions and dangerous structures. Other aspects of the Building Act 1984 are enforced by Environmental Health. Prosecutions for West Berkshire matters require WBDC consent. Trading Standards can investigate Building Act offences as part of the wider remit into crime associated with building work.
- 5.18 There is a clear governance arrangement included in the IAA that sets out a framework of performance and operational management with a combination of monthly reports and quarterly Joint Service Board meetings to which the service reports. In addition, the service underwent a Peer Review in 2023 undertaken by LABC (Local Authority Building Control) which concluded a high level of compliance. A recent inspection of the ISO 9000 quality management system also concluded the same.
- 5.19 In terms of existing buildings in the private rented sector the responsibility for compliance falls to Royal Berkshire Fire and Rescue Service for the common areas and the Public Protection Partnership (PPP) Private Sector Housing team for individual units. We have in place a signed MOU and there are regular partner meetings and joint visits and inspections. Of particular focus are prior approval and other conversions where a programme of joint visits is identifying safety concerns.

6 Update on the Building Control Shared Service

- 6.1 The new shared service arrangement has now been in effect for some eighteen months. In that time the governance arrangements have proved effective with Joint Management Board meetings taking place as scheduled. The Board have received all the data and information required by the inter-authority agreement governance schedules and the relevant Wokingham lead has attended every meeting to update.
- 6.2 With respect of the operational delivery of the service there are a number of key issues, as follows:
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1. Recruitment of qualified surveyors remains difficult (if not impossible) despite introductions of significant re-gradings and market supplements. The main reason for this is competition from the private sector who offer lots of incentives such as company cars etc. which are attractive to newer surveyors. All the surveyors that have been trained by the service (including those funded by government) have left on qualifying with some transferring to the private sector.
2. An internal audit was conducted that looked at compliance with the OSR. This reported general compliance. As with all audits there were follow up actions and JMB is monitoring progress.
3. The database used by BCS is currently in its final year of contract. Options are being explored which are taking account of the implications of any local government reorganisation. There are more advanced products on the market now for this area of service however the current situation may mean that a direct award through government framework may be the best route in the short term. The Board are being appraised on such matters.
4. In terms of finance the Service entered the year with a £100K deficit – primarily caused by the use of agency staff to cover vacancies. The re-evaluation of the fee earning / non-fee earning parts of the service means combined with an increase in applications it is likely to be significantly reduced by the end of year and eliminated in 2026/27 if trends continue.
5. Despite the staffing challenges performance remains strong. The 2024/25 performance outturn was as follows:
 - 100% of reported dangerous structures visited within 24 hours
 - 99% of applications registered within three days
 - 77% of applications checked within ten days
 - 97% of certificates issued within five days
 - 100% of inspections carried out same day
6. The Service has recently been independently re-accredited against ISO 9001 for its quality management systems. The outcome was positive with the report from the British Standards Institute stating, *‘The conclusion of this review is that the management systems are achieving their intended outcomes and are contributing towards the strategic direction of the organisation. A positive recommendation for continued certification has been made’*.
7. All staff have maintained legal and professional competence for their tasks they are assigned as required by the post Grenfell competency framework that was introduced.

6.3 In terms the national landscape the following updates are of significance:

1. The Building Safety Levy (which will be collected by local authorities) will come into being in October 2026. There is more information on the levy here: [Building Safety Levy: Guidance - Guidance - GOV.UK](#) . The government have notified that a Section 31 grant allocation of approximately £130K for each partner will be made for implementation. This will include procurement of the relevant software packages and project staffing costs and systems / procedure updates. Ongoing funding of collection will be funded through a top-slice of the levy. A proportion of the implementation grant will need to be passported to Wokingham to progress this and a proportion will be needed internally to set up a charging regime. Longer term there will be a top-slice to pay for collection and administration, but the exact figure has not yet been finalised. Currently the proposal is that BCS monitors all collection requirements (as they hold the records of all relevant applications) and West Berkshire will collect for its administrative area. Local collection (dependent on development) could be in the region of £3/£4M per annum passported to government to pay for the Regulator and oversight post Grenfell.
 2. The government have appointed the Panel to conduct the review set out in 5.14 above and this is due to report soon. There are no indications at this stage as to whether the ending of competition or a national regulator will be the outcome. The evidence presented to the House of Lords Industry and Regulators Committee by Local Authority Building Control can be found here: [committees.parliament.uk/oralevidence/16388/pdf/](#)
 3. There have been a number of collapses of Registered Building Control Approvers. The highest profile was the recent collapse of Assent Building Compliance who went into receivership without advanced warning on 6th November 2025. The parent company group consists of three separate Registered Building Control Approvers (RBCA's).
 4. Current 'live projects for the three companies across both West Berkshire and Wokingham amounts to approximately 210. These are projects where the RBCA has not given notice to date that either the works have been completed on site, or the work has not commenced on site within a three-year period. These projects will be at different stages of construction either not commenced on site or partly constructed. The local authority service must try to establish the works undertaken and assessed by the RBCA to date, assess submitted information and continue to deal with the ongoing work to its completion. This resource is over and above its general workload from existing customers.
 5. All clients relating to the 91 cancellation notices have received a written explanation from BCS outlining the options available to them.
 6. It is highly likely that the RBCA has not informed the Service of completion of works in relation to the remaining projects when they were completed or not progressed. There may be legacy projects which will require letters to be sent to Assent clients explaining the situation. Email addresses were not supplied by the RBCA in these instances. Individual responses will require the service's IT system to be updated following contact.
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7. Many Assent clients are contacting the Service daily with their enquiries both by telephone and email. A separate page has also been written and added to the BCS website to help explain and direct Assent customer enquiries to their own responsibilities.
8. The above work will require ongoing allocation of time and resources within both the business support and surveying teams over the coming months.

7 Conclusion

- 7.1 Building Control is one of those local authority services that has traditionally not attracted political attention or focus. Often seen as an offshoot of planning functions or as paid consultancy rather than an important front line regulatory / protective service. Nevertheless, as events have shown that when things go wrong, they can have the most serious implications not only for individuals but also for the local authority and its officers.
- 7.2 Every building project presents some degree of risk including safety risk if a non-compliant building is signed off as compliant. This could be a simple loft conversion or a prior approval conversion of a significant structure, new build, or commercial building. It is incumbent on the Council to ensure it performs its functions within the OSR framework.
- 7.3 The future of the service within the local authority setting is uncertain. The outcome and recommendations of the review will be published in due course and then the government will need to consider its position with respect to the recommendations. It is likely that any change may be at least two years away with an implementation period being required.
- 7.4 As highlighted above the service faces significant challenges around financial viability primarily linked to the recruitment and retention issues exacerbated by competition. There is also little prospect of this improving without change in the delivery model nationally. The failings of a number of private sector inspection services over the years has also added pressure to a stretched service with additional unfunded workload for local authorities who remain the regulator of last resort and the last line of defence against unsafe and non-compliant buildings and structures,
- 7.5 In summary, the shared service has helped the Council to maintain delivery and keep costs down through the provision of resilience and shared overheads but delivery takes place in the context of significant uncertainty. Despite all the uncertainty performance remains exceptionally strong thanks to the commitment of the management and the team.

Subject to Call-In:

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Yes: ☐ No: ☒

The item is due to be referred to Council for final approval. ☐

Delays in implementation could have serious financial implications for the Council. ☐

Delays in implementation could compromise the Council's position. ☐

Considered or reviewed by Scrutiny Commission or associated Committees, Task Groups within preceding six months. ☐

Item is Urgent Key Decision ☐

Report is to note only ☒

Wards affected: All

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