

AUDIT COMMITTEE

8 OCTOBER 2026

REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

A.4 BUILDING SAFETY REGULATOR INSPECTION REVIEW - OUTCOMES AND ACTIONS

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To report on the recent Building Safety Regulator (BSR) audit of the Council's Building Control function. This is an update following Members' questions and resolution from Audit Committee 26th March 2026:

"Questions from Audit Committee:

- 1) *"In the review of the February 2026 minutes - specifically item 23, the Building Safety Inspection Review, which I have previously emailed about - it occurred to me that although the BSR issues were successfully closed in January, there may be value in confirming that the new control arrangements are fully embedded and operating effectively."*
- 2) *"Could the Committee consider scheduling a building control compliance review for later in 2026/27, covering areas such as site-change controls, the operations manual, outsourced plan checking, and the consultee reporting process?"*
- 3) *"Additionally, in relation to the BSR, was any of this learning shared across other service areas - for example, environmental health or the waste and recycling contract - and is there further insight to be gained from that?"*

Resolution

"b) following the Building Safety Inspection Review outcomes and actions reported to the meeting of the Audit Committee held on 19 February 2026, the Committee requests that a further update be provided during 2026/27, including whether there have been any opportunities to share any associated learning elsewhere within the Council."

EXECUTIVE SUMMARY

- The first ever BSR review has been completed, and Tendring has no outstanding matters to address following changes and updates already carried out during that audit.
- It is confirmed that almost a year on that all control arrangements are fully operational and embedded without any issues occurring. The service continues to grow, and develop accounting for all policy and legalisation requirements/changes. Building Safety Levy is the latest requirement that starts in October.
- The service now regularly completes required returns for Building Safety Regulator and LABC (Local Authority Building Control).

- No building control compliance review has been scheduled/sought to date by the Audit committee.
- No further BSR audit has been proposed by the Building Safety Regulator, and it is unlikely for a few years given their workload and number of authorities to cover. However, audit requirements from central government and membership of LABC are being complied with and completed regularly.
- The following learning may be shared with other Council department managers.

Key Learning Points for Other Council Department Managers

1. Document what you do, not just what you know

- Effective practices and processes must be formally documented, even where they are well understood by staff.
- Auditors will assess documented evidence, not assumptions or established custom and practice.
- Ensure policies, procedures, decision-making criteria, escalation routes and quality assurance arrangements are clearly recorded and accessible.

2. Regulatory expectations evolve

- Compliance requirements may not always be fully clear until tested through audit or inspection. This was proven in our need to define for ourselves the definition of closure of files.
- Regulators may apply interpretations that go beyond an authority's understanding of statutory requirements.
- Services should regularly review guidance and engage with sector peers to identify emerging expectations. Our close working relationship with a number of neighbouring authorities proved useful and helpful for this purpose.

3. Governance matters as much as operational performance

- A service can be delivering good outcomes and still receive findings if governance arrangements are not sufficiently evidenced.
- Audit scrutiny often focuses on assurance, oversight and record-keeping rather than service outcomes alone.

4. Outsourcing does not outsource accountability

- The Council remains responsible for compliance when work is undertaken by partners, consultants or other authorities. While this point was known for the Building Control Audit the extent evidence from the outsourced body to prove compliance was higher than expected despite being correct.
- Formal oversight, quality checks and assurance arrangements should be in place for all outsourced services.
- Expectations and responsibilities should be clearly documented, and this included the need for an expectations document specifically to capture a wide range of these issues being created to ensure it is evidenced and defined.

- Do not assume that because another public body or specialist provider is undertaking work, all regulatory requirements are automatically being met.
- Verification and assurance processes are still required.

5. Record decisions as well as actions

- It is not enough to retain advice from consultees or partners.
- The rationale for accepting or rejecting advice should also be formally recorded, even if very obvious and seems pointless to record.
- Clear audit trails reduce organisational risk and demonstrate sound decision-making.

6. Resource planning should be evidence-based

- Services should regularly assess whether staffing levels and skills are sufficient to meet statutory obligations.
- High workloads, specialist skill shortages and dependency on agency staff should be actively monitored and managed.

7. Open cases and legacy work require active management

- Even where legislation limits formal closure options, organisations should develop documented approaches for managing inactive or historic cases.
- Large backlogs create governance concerns even if they remain legally open.

8. Audits can be opportunities for improvement

- Inspections often identify areas for strengthening governance rather than serious service failures. For example - Now we have a clear definition for closure of cases, from audit when not available in law, we have a clear rationale to charge for reopening cases potential.
- Findings should be used to improve resilience, consistency and organisational learning.

9. Invest in operational manuals and corporate knowledge

- Reliance on experienced individuals creates organisational risk.
- Comprehensive manuals and documented procedures improve consistency, training, succession planning and resilience.

10. Continuous improvement should be evidenced

- Being able to demonstrate how audit findings have been addressed is as important as resolving them.
- Services should maintain action plans, evidence of implementation and clear records of improvements made.

The principal lesson is that modern regulatory inspection increasingly focuses on demonstrable governance, assurance and documented evidence rather than solely on operational outcomes. Services that are performing well operationally can still attract findings against them if procedures, oversight arrangements and decision-making records are not sufficiently documented and evidenced.

RECOMMENDATION(S)

It is recommended that the Committee formally notes the contents of this report including the key learning points arising from the Building Safety Regulator's (BSR) audit of the Council's Building Control function.
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REASON(S) FOR THE RECOMMENDATION(S)
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To give the Audit Community assurance that the recommendations arising from the BSR audit have been implemented and that learning points are to be shared with other Council services for information.
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ALTERNATIVE OPTIONS CONSIDERED

There are no alternative options associated with this report.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The existence of sound governance, internal control and financial management practices and procedures are essential to the delivery of Corporate priorities supported by effective management and forward planning within this overall framework.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

The BSR Audit is a statutory requirement and failure to met would result in severe financial penalties and special measures.
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FINANCE AND OTHER RESOURCE IMPLICATIONS
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Finance and other resources

There are no financial implications except for the fee of the BSR that has not been presented at the time of writing. UPDATE – This fee has been received and paid in full.
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USE OF RESOURCES AND VALUE FOR MONEY

The following are submitted in respect of the indicated use of resources and value for money indicators:
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A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;
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B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and

C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.
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There is no decision proposed nor changes that give rise to issues around achieving value for money. Procedures were changed as reported as a consequence of the external audit that:-
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A) Did not have consequence to the financial sustainability of the service.

B) Changed the Council's internal procedure as listed as lessons learnt and detailed in the main background of this report.

C) Changes ensure risk management of the service, but not altered the economy,
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	efficiency and effectiveness. However, it may be argued that reduce risk may reduce exposure to exceptional costs associated with mitigation requirements.
MILESTONES AND DELIVERY	
None – all steps achieved. The next Audit will be in the next five years.	
ASSOCIATED RISKS AND MITIGATION	
None – all requirements have been dealt with and implemented as necessary.	
OUTCOME OF CONSULTATION AND ENGAGEMENT	
There is no requirement to seek consultation on this report. This is a public document to be presented to the Audit Committee.	
EQUALITIES	
There are no direct implications associated with this report.	
SOCIAL VALUE CONSIDERATIONS	
There are no direct implications associated with this report other than to note that the BSR is mainly concerned with public safety in respect of Building Control.	
IMPLICATIONS RELATED TO DEVOLUTION AND/OR LOCAL GOVERNMENT REORGANISATION	
None – However, improvements gained during the process could be applied to other Councils in respect of Building Control services only and work has been shared with neighbouring Council teams.	
IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2050	
There are no direct implications associated within this report.	
OTHER RELEVANT IMPLICATIONS	
Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below:	
Crime and Disorder	Not applicable
Health Inequalities	Not applicable
Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance)	Not applicable
Area or Ward affected	All Wards could be affected
ANY OTHER RELEVANT INFORMATION	
None	

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The following is unaltered from the report in February 2026

In December 2024 Tendring District council was advised that the BSR would be undertaking an audit of Tendring's building control services. This would be their first audit following their creation as BSR and Tendring would be one of many authorities being reviewed. Tendring District Council must operate in accord with the Building Act and Operational Standards Rules (OSRs), which set out the minimum performance standards expected. All authorities will be subject to ongoing monitoring and at least one inspection over a five year period.

The inspection of services was carried out via on line interviews and requests of information on the processes, including samples of work. This mainly occurred during April, May and June 2025.

The official BSR Letter of Contravention was received on the 29th October 2025. This detailed their findings and recommendations for action and is summarised below.

- Policies, procedures, and processes were not fully documented. There was no documented approach for allocating work based on building types and Registered Building Inspector (RBI) registration. Lack of documented procedures for supervising RBIs working outside their registration class and for statutory consultations. Gaps in arrangements for monitoring and managing building control projects, including scheduling and delivery of inspections. No documented criteria for prioritising, timing, or reviewing caseloads. 1,291 open projects with outstanding completion certificates and no follow-up.
- Insufficient resourcing, including a lack of comprehensive assessment of RBI resource requirements. No effective controls for ensuring RBIs act within their competence and registration. Gaps in record-keeping for statutory consultations. Unclear governance and oversight, particularly regarding terms of engagement and outsourced service providers (e.g., Babergh Mid Suffolk District Council). No assurance that outsourced providers comply with OSRs and legal requirements.
- Unawareness of the duty to inform statutory consultees of decisions and reasons for accepting or declining recommendations.

To resolve these points the letter instructs **Tendring to implement an operational manual, resource the building control function adequately, improve record-keeping and controls for statutory consultations and ensure all statutory requirements are met, strengthen governance regarding outsourced services.**

The wording used in the BSR's Contravention is unhelpful as with a more detailed examination what is found is that one single issue often, minor issue, may overlap several BSR standards.

The issues highlighted reflect the following three points:-

- **Procedure documentation.**

While Building Control has followed the correct processes, not all were formally documented, and certain requirements were only clarified by the BSR during the audit.

In some cases, there was an assumption that elements were already covered under LABC requirements adopted, or that they were sufficiently defined through existing practice. It was only through audit discussions that the BSR provided further interpretation of the OSRs, and/or wanted areas explicitly expressed that were not highlighted previously.

For example, the handling of open cases: legally, there is no defined mechanism legal to close a case where a builder ceases work for any reason. We correctly kept these cases open in line with legislation, even when the sites became inactive. However, the BSR considered this approach unsatisfactory as a matter of general governance without further explanation. We have now introduced our own criteria for closure, seeking assurance from the BSR that this is acceptable and does not present a risk. While we consider our criteria to be logical, it will be different from other authorities who will have created their own.

Definitions and criteria developed during this process have been shared with other authorities, and in turn, they have shared their interpretations, despite the continued lack of formal guidance from the BSR.

- **Outsourcing to partners and oversight.**

Building control does outsource certain functions, such as plan checking and some inspection support, to partner authorities and rely on their expertise and judgement. As our partner is another local authority and an active LABC member, we expected compliance with all building regulations and BSR requirements.

However, the BSR deemed this insufficient. As a result, we have now introduced additional checks to strengthen oversight of outsourced work when returned.

- **Consultee reporting.**

Under the BSR's new OSRs, all consultee responses must be recorded, along with the officer's decision to accept or reject the advice. While we consistently recorded consultee responses, we did not document the officer's acceptance or rejection of the response.

It is important to note that since the introduction of the new regulations, we have never disagreed with a consultee response. For example, if the Fire Service identifies a fire risk, we have no grounds to challenge that advice.

Going forward, we will explicitly record whether the consultee advice is accepted or declined, and the rationale, on the case file. This represents a minor but necessary process change.

At no point has Tendring's building control team acted outside of the Building Regulations, or the Act, all matters raised have been a matter of judgement in respect of BSR expectations only.

Action

The position of BSR and their recommendations have been reviewed and accepted. The operation manual that was already being developed this year has been updated to include all the judgements of the BSR as well as a need sign off form for our partners to fill in when doing any plan check work for us as necessary. The building control team are now increasing the number of plans checks in house for domestic work to reduce reliance on outsourcing (but with Grade 2b + inspectors this can't be avoided entirely).

The result being Building Control has all policies procedures and processes document and signposted as necessary. There is a new “hibernation” approach to inactive cases (because legally these can not be closed) that has reduced the open case load down to around only five hundred cases that covers a three-year period. Changes to the service’s partnership working resolve the points raised, and all consultee responses are recorded as a specific task for the file.

In conclusion, our new governance manual and responses to the points raised have been issued to the Building Safety Regulator (BSR), and on 12th January 2026 the BSR confirmed

*“Thank you for confirming the actions you have taken to address the non-compliance with the Operational Standards Rules identified during the inspection and confirmed within the letter of contravention dated 29.10.25. **We confirm that no further information is required and this matter is now concluded.**”*

The matters raised during the audit are considered resolved. Some adjustments were necessary due to aspects of the BSR requirements that only became clear at the time of the audit.

Afterword

Although not explicitly mentioned in the audit letter, the process highlighted the significant progress made by the service leadership team despite limited resources. In just three years, the team has grown from a single support team member to a team comprising three support officers, two Grade 2A Inspectors, and one apprentice. The market share now consistently exceeds 70% month after month, the inspectors conduct more than 60 site inspections each week, and have successfully reinstated in-house plan checking.

This progress has been achieved against a backdrop of major changes to building control requirements following the Grenfell Tower tragedy, including the introduction of new grades and procedures. These changes have increased demands on resources, for example, officers are now required to produce public notes at every stage, a task that was not previously part of their role. Thanks to partnership work, Tendring has access to Grade 2B+ officers, but the Council remains vulnerable in a highly competitive market for graded officers. Recent review of fees and charges confirmed that Tendring currently has more work than our available officer resource can support and any leave entitlement leaves gaps in service that cannot be covered. Expensive agency workers are used as necessary.

This context underscores the significance of the audit outcome. Much of the success is due to Jim Gates, our Senior Support Team Leader, who managed the majority of the BSR

requirements and prepared the responses that led to such a positive result. The resulting minor points have now been resolved.

Building Control at Tendring is not an established or experienced department compared to many other authorities, yet it has achieved far more than most in a remarkably short time. Looking to the future a solution to have or share higher grade officers to cover all work without outsourcing is the focus, starting with authorities that LGR may bring together.

PREVIOUS RELEVANT DECISIONS TAKEN BY COUNCIL/CABINET/COMMITTEE ETC.

Not applicable as this was the first BSR Audit.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES

None

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