

- Public Sector Equality Duty

Equality analysis for Local Authority Building Control Charges

This document records the analysis undertaken by MHCLG to fulfil the requirements of the Public Sector Equality Duty (PSED) as set out in section 149 of the Equality Act 2010. This requires the department to pay due regard to the need to:

1. eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
2. advance equality of opportunity between people who share a protected characteristic and those who do not
3. foster good relations between people who share a protected characteristic and those who do not.

The protected characteristics which should be considered are:

- age
- disability
- sex
- gender reassignment
- marriage or civil partnership
- pregnancy and maternity
- race
- religion or belief
- sexual orientation.

Please note that in relation to the protected characteristic of marriage and civil partnerships the department is required to have due regard only to the first point in the first paragraph above.

The template below should be used when carrying out work on policies and services. This might include any new or existing policy, strategies, functions, work programmes, projects, decisions about budgets and other issues, procurement, commissioning or de-commissioning of services, allocating resources, and service design and implementation. The aim is for policies and services to be accessible and to meet different people's needs.

You should consider PSED before and during policy or service formation, and to monitor how the policy or service is working once a decision is implemented. Considering equality in this way should be part of normal day-to day activity and not a one-off exercise.

SECTION 1

1.1 Policy/Service

To note that Public Sector Equality Duty (PSED) assessment for the proposed change within The Building (Local Authority Charges and Amendments Relating to Charging) (England) Regulations 2026, to permit the dispensation from or relaxation of the requirements in regulations 25A, 25B and 26 of the Building Regulations 2010, has been considered within a separate PSED assessment, as detailed in parallel ministerial advice.

The policy intention of reforming the regulations for charges that LABCBs can set and collect for their services is to help put such services onto a more financially sustainable footing. It is part of a wider programme of works to improve building control services, to reverse the decline in capacity and to make it an attractive career choice. This was highlighted in a section about building control in the Government's response to the Grenfell Tower Inquiry's final report¹.

The Building (Local Authority Charges) Regulations 2010² have not been updated significantly since that time, despite a commitment in 2010 to review them in 2013, which did not happen. The Building Safety Act 2022 and other secondary legislation following the Grenfell Tower fire have yet to be reflected in the charges that local authority building control bodies (LABCBs) can set. The Building Safety Act 2022 amended the Building Act 1984 by increasing the scope for the regulations that set the framework for charges and fees by adding a new section 105B³. This scope now permits regulations to include charging for functions and activities that LABCBs carry out under the Building Act itself, such as sending notices requiring compliance with regulations or concerning the need to put right problems with dangerous buildings.

The foreword to HMT's guidance, Managing Public Money⁴ states that it sets out the main principles, specific requirements and good practice for dealing with public resources. For public services such as local authority building control, this guidance states that their costs should be funded as fully as possible through charges and fees paid by users of those services. This means that charges, rather than taxes, should be the majority source of income. Such charges should factor in direct and indirect costs and overheads, such as recruitment, training and development of Registered Building Inspectors. The proposed changes to the regulations will permit LABCBs to receive charges for many more functions and activities. Due to the public and democratic nature

¹ [UK Government Response to the Grenfell Tower Inquiry Phase 2 Report](#) see page 45

² <https://www.legislation.gov.uk/uksi/2010/404/contents>

³ <https://www.legislation.gov.uk/ukpga/1984/55/section/105B>

⁴ [Managing Public Money - April 2026.pdf](#) see foreword, chapter 6 and Annex 6.1

of local authorities, it is acknowledged that there will be some activities where full cost recovery is not possible (such as servicing councillors in their democratic activities), and there were current exceptions set out in the consultation document where, due to either the need for more data, or where other interventions are taking place and introducing charges would interfere with these other interventions.

Due to the current limited range of chargeable functions and activities, LABCBs, where they have published such data, generally report significant and growing deficits for their services and, where a few have recorded surpluses, there is anecdotal evidence from some heads of services that surpluses are used to plug funding gaps for other local authority services rather than used to grow services to meet demands.

Therefore, these reforms aim to enable LABCBs to charge at full cost recovery for a wider range of chargeable functions and activities and, as a by-product, grow their workforces.

When preparing the consultation, it was clear that there is very little data or information that is readily available about the charges that LABCBs set, the costs associated with, or the frequency of, the use of the majority of functions and activities they carry out. Therefore, the consultation asked for responses in several places that will inform a detailed impact assessment, including for the Public Sector Equality Duty assessment. The most recently available large scale Building Control workforce survey from 2023⁵ by Kinetiq, which was co-badged with the Local Government Association, the trade bodies LABC (Local Authority Building Control) and CICAIR (Construction Industry Council Approved Inspectors Register, which has now been disbanded) contained some information about diversity in the Building Control, both public and private sectors. This highlighted, at that time, 87% of 1172 respondents were white, 81% were male, and 64% were 46 years of age or older with the largest cohort of 19% in the 56–60-year-old age range, which means there is a reasonable probability of many of these retiring in the following five to ten years. 8% recorded having a disability and 86% recorded being heterosexual. 58% of the workforce had more than 15 years of service, with 32% having more than 25 years of service.

The government's response to the Grenfell Tower Inquiry did not explicitly mention expanding the diversity of the workforce, but clearly this needs to happen to bring in different perspectives and experience as has been recognised by respected voices in the wider construction sectors.⁶

The wider aims of the government's construction ambitions seek to benefit all sections

⁵ <https://democracy.blaenau-gwent.gov.uk/documents/s14040/Building%20Control%20Workforce%20Insights%202023%202%20appendix.pdf.pdf?LLL=1>

⁶See as examples: <https://www.cic.org.uk/policy-and-public-affairs/diversity-and-inclusion> ; <https://www.fmb.org.uk/resource/edi-in-construction-how-to-support-diversity-in-construction.html>

of society, seeking better and purposefully designed, safer, more accessible and environmentally sustainable buildings across all types – dwellings, commercial and public sector buildings, such as schools and health facilities.

Consultation on charges for services for building work solely required for disabled people

One area where charges for building control services have not been permitted in different iterations of charging regulations, since 1983⁷, is where work is to be carried out on existing dwellings or existing buildings to which the public are admitted, where the work is solely for disabled people. The consultation included some analysis of English Housing Survey data⁸, costs to a very limited number of LABCBs for work done on existing dwellings, and research conducted by Foundations⁹, the Building Research Establishment and the Centre for Ageing Better¹⁰.

The reason for why this prohibition on charging came about in 1983 is not clear.

The consultation did not propose to change the policy at this time regarding dwellings. To do so, without more in-depth policy considerations about the funding sources to pay for building control functions, could have a disproportionate impact on those affected. Therefore, as part of a longer-term call for evidence, it sought views from consultees on how these costs should be funded as a way of finding a fair and financially sustainable way forward for local authority building control services, where benefits appear to accrue to other public services such as the NHS and social care currently.

However, the consultation did propose to permit charging for such purposes relating to buildings to which the public are admitted. As with LABCBs, owners or operators of such buildings are also subject to the Public Sector Equality Duty. Therefore, given that LABCBs should be able to recover their costs as fully as possible from users of these services, rather than taxpayers, then owners or operators of buildings to which the public are admitted should be charged for the use of these services.

The Building Safety Regulator (BSR) has the same prohibitions regarding its charges when carrying out building control services on higher-risk buildings. The consultation also proposed to allow the BSR to charge for building control services where this kind of work is done on those parts of existing higher-risk buildings (HRBs) to which the public are admitted. There were no proposals to remove the prohibition when it comes to charging for building control services for such building works done in or for dwellings in existing higher-risk buildings.

⁷ https://www.legislation.gov.uk/uksi/1983/1611/pdfs/uksi_19831611_en.pdf

⁸ [Home Adaptations Report FINAL .pdf](#)

⁹ [Performance of Housing Authorities in DFG Delivery](#)

¹⁰ [Resources | Centre for Ageing Better](#)

The Government sought engagement with disability charities and Disabled People's Organisations through the Cabinet Office's Disability Unit's contacts, but none responded. We engaged with the organisation Foundations and local authority officers who work on domestic adaptations, particularly the Disabled Facilities Grant, and will follow this up as part of our considerations for any proposals that cover funding to building control regarding disability adaptations for existing homes.

SECTION 2

2.1 Summary of the evidence considered in demonstrating due regard to PSED

The Building a Safer Future Independent Review of Building Regulations and Fire Safety: Interim¹¹ and Final¹² Reports from 2017 and 2018 were published following the fire at Grenfell Tower. These assessed and offered critiques of the then building regulations and building control legislative frameworks, practices, competence and systems which were in place prior to the tragedy at Grenfell Tower. These publications led to significant reforms that resulted in the Building Safety Act 2022 and associated regulations, which sought to address weaknesses that had been identified. The impact of these reforms has yet to be evaluated.

The Grenfell Tower Inquiry final report¹³ also analysed the significant failings of building control in contributing to the tragedy and the Government responded¹⁴ to recommendations that the Inquiry made about building control. The actions in response to these recommendations are currently being rolled out, including the proposals that may result from this consultation, which aim, among other things to help put local authority building control bodies on a more financially sustainable footing with increased capacity and competence across England.

While recent evidence and firm data regarding services in LABCBs is limited, the Government has been aware that some LABCBs are struggling to provide any building control service, partly due to scarce human and financial resources. The knock-on effect in such cases means that services that support much-needed housing and other development are adversely affected. This is likely to have a negative impact for people, (irrespective of any kinds of protected characteristics), businesses, services, and the wider environment.

Therefore, the proposals in this consultation were part of a wider programme that seeks to

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/668747/Independent_Review_of_Building_Regulations_and_Fire_Safety.pdf

¹² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/707798/Building_a_Safer_Future_-_print.pdf

¹³ <https://www.gov.uk/government/publications/publication-of-the-grenfell-tower-inquiry-phase-2-report>

¹⁴ [UK Government Response to the Grenfell Tower Inquiry Phase 2 Report](#)

address such issues as those referred to above.

The previous section to this document sets out key evidence that had been used prior to the consultation. The consultation paper sought further information that aimed to build a clearer picture of services and, in particular, the proposal regarding removing the exception that prevents LABCBs (and the Building Safety Regulator) from charging for services that are connected with the provision of access or facilities for disabled people in existing buildings to which members of the public are admitted.

2.2 Assess the impact

An impact assessment has been produced now that more data and information has been gathered through the consultation and associated engagement opportunities.

The consultation sought data on costs of providing building control services (both for LABCBs and the BSR) for works carried out for people with disabilities for existing homes and existing buildings to which the public are admitted. The data the Government had was weak and remains weak regarding the impact this is having on:

- the provision of building control services, and
- the benefits to individuals of those services where building work has been carried out on existing homes
- the benefits to other services from the current free service provided by LABCBs and the BSR where building work has been carried out on existing homes, and
- the benefits to owners and operators of existing buildings to which the public are admitted from the current free service provided by LABCBs and the BSR.

A post-consultation survey of 53 LABCBs/partnerships showed that 34 typically receive no applications in a month or spend no time on this activity. 16 spent five hours or fewer, 1 spent fifteen hours, 1 spent eighteen hours, and 1 spent thirty hours.

2.3 Summary of the Analysis

Prior to the consultation, the analysis had focused on the data set out in section 1.1 above about the demographics of the building control workforce. The proposals in the consultation sought to address the longer-term financial sustainability of local authority building control services, which include recruitment, training and development of new staff. Data on this objective can only be gathered in the longer term, and we will work with the building control sectors to understand the impacts as part of a wider programme of reforms to improve the longer-term competence and capacity of the sectors.

SECTION 3

3.1 Decision Making

For the proposal regarding charges associated with works done for people with disabilities on existing buildings to which members of the public are admitted there was support from LABC and several LABCs. The Government will remove the barrier to charging for this service. LABCs that opposed removing the prohibition may continue to offer a free service.

The BSR has decided, as a statutory consultee, that it will not remove the prohibition on charging for its services for any adaptations required for existing HRBs to which the public are admitted, so it will continue to provide such services free of charge.

Most LABCs that expressed a view opposed the idea of charging when providing such services relating to existing private dwellings, though some suggested that other means, such as grants could cover their costs.

The Government will consider carefully how cost recovery could be achieved in this area without causing adverse impacts to disabled people and will set out further detail in due course once it has undertaken the assessment.

3.2 Monitoring arrangements

The Government's wider set of reforms, including responding to the Building Control Independent Panel's recommendations¹⁵ and delivering the Digital Building Control Roadmap will provide the monitoring and evaluation context for the charging reforms, including those relating to disability adaptations and the demographics of the building control profession.

3.3 Sign-off by the decision-maker

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Job Title: Deputy Director, Building Professions Reform

Date: 14/9/2026

¹⁵ [Building Control Independent Panel report - GOV.UK](#)