

## **CABINET**

**26 SEPTEMBER 2017**

### **EXPANSION OF THE SOUTH THAMES GATEWAY BUILDING CONTROL PARTNERSHIP**

Portfolio holder: Councillor Jane Chitty, Planning, Economic Growth and Regeneration

Report from: Richard Hicks, Director of Regeneration, Culture, Environment and Transformation

Author: Tony Van Veghel, Director, South Thames Gateway Building Control Partnership

#### **Summary**

This report seeks approval from Cabinet to extend the South Thames Gateway Building Control Partnership by the inclusion of Canterbury City Council's building control service.

#### **1. Budget and Policy Framework**

- 1.1. The approval of the South Thames Gateway Building Control Partnership expansion is a matter for Cabinet, however, specific parts of the business case may need to be progressed in accordance with the Council's relevant policies and procedures.
- 1.2. Following a requirement of The Memorandum of Agreement which underpins the Partnership, each of the existing partnership councils shall first agree to the additional authority joining. Before the authority joins a due diligence investigation and evaluation of benefits shall be carried out and presented to Joint Committee.

#### **2. Background**

- 2.1 Following an approach by Canterbury City Council the partnership engaged in a project to examine the viability of them joining as a fourth partner.
- 2.2 Members of Joint Committee instructed that any expansion could only be considered at nil detriment to the existing arrangements. Not only would that mean no increase to their forecasted contributions but also equally important was to ensure the excellent reputation of the partnership and the high quality service to customers would be maintained.

- 2.3 An Outline Business Case was taken to Joint Committee in June 2017 and following their consideration and recommendations the attached business case (exempt appendix) has been developed through negotiation and discussion between the partnership and Canterbury City Council. The Joint Committee is considering a further report on the expansion proposals on 21 September 2017 and its comments will be reported to Cabinet.
- 2.4 Through the development of the partnerships digitalisation programme and the creation of a business model using agile and mobile working the partnership has been able to demonstrate how improvements to customer service and service delivery can be achieved. Through the effective use of borderless office principles the model can be incorporated in this and future partnership expansion plans.
- 2.5 A financial forecast within the business case demonstrates further reductions in contributions by the existing three partners to 2021 should this proposal be taken forward. There are also details of the operational plan and revised staffing structure to verify the viability of the project.

### **3 Options**

- 3.1 The partnership has been operated successfully over the last 10 years and Members of Joint Committee have expressed a view to share some of the benefits from the operation with the adjoining authorities and to also enhance the resilience and opportunities through a wider market that expansion would bring.
- 3.2 Option 1 is to approve expansion of the partnership to include Canterbury City Council building control service, thus increasing the potential market for services and building in resilience to the service through the inclusion of additional staff who are not constrained by existing boundary arrangements. The financial plan included in the business case demonstrates the potential for increased income generation and a reduction in the contributions that the three existing partners pay for public protection services.
- 3.3 Option 2 is to remain as we are further examining the potential for improved services using technology.

### **4. Advice and analysis**

- 4.1 Following on from the meaningful discussions that we have had with Canterbury City Council with regards to the HR, legal, financial and operational outcomes, should this proposal be taken forward, there is clear evidence of the viability of the project. There are advantages to both parties in improving the robustness of an expanded partnership and the opportunity to improve customer service through technological advancements that could be fully utilised by this expansion.
- 4.2 A diversity impact assessment has been carried out and is attached to the report (Appendix 1). It demonstrates no impact on Medway residents.

## **5. Risk management**

- 5.1 Risk analysis has been carried out within the business case and how through these negotiations we have been able to mitigate exposure to risk to the partnership and the individual authorities.

## **6. Consultation**

- 6.1 Staff consultations have been carried out with regards to the operational strategy of the expansion of the service and alleviated any concerns they may have had. Through the reports taken to Joint Committee, Members are supportive of the proposal and the benefits that could accrue to both parties.
- 6.2 The existing Canterbury City Council (CCC) staff cohort are protected under Transfer of Undertakings (Protection of Employment) legislation, (known as TUPE). TUPE provides the CCC cohort with statutory right to transfer employment along with their existing terms and conditions at the point of CCC joining the STG Partnership. Where CCC terms and conditions of employment are more favourable than those within STG, STG have proposed a series of measures designed to mitigate the impact. These measures will form part of the consultation that CCC will have with their transferring staff. Any staff transfers from CCC will be reported to the Employment Matters Committee in due course.

## **7. Financial implications**

- 7.1 There will be no cost to the existing partnership with Canterbury City Council responsible for any costs associated to them joining. Should the expansion be agreed Medway's contribution would reduce from £141,432 in 2017/2018 to £133,204 for 2018/2019.

## **8. Legal implications**

- 8.1 The Memorandum of Agreement sets out the requirements for additional authorities to join the partnership under paragraph 3.26. Legal representation for the partnership is provided by Medway Council and discussions have already commenced with the production of a Non-Disclosure Agreement. Further discussions will take place to agree any necessary amendments to the Memorandum which will need to be signed by all four authorities.
- 8.2 The Chief Legal Officer will review the Joint Committee's constitution should all three partner authorities approve the expansion of the partnership to ensure that it reflects a fourth partner joining the partnership. This will be reported to the Joint Committee.

## **9. Recommendation**

- 9.1 The Cabinet is asked to approve option 1, the expansion of the partnership, through the inclusion of Canterbury City Council's building control service.

## **10. Suggested reasons for decision(s)**

- 10.1 The expansion of the partnership will build in further resilience and provide opportunities for a wider market and broader customer base as well as providing reductions in contributions for the existing three partners.

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### **Appendices**

Appendix 1 – Diversity Impact Assessment

Exempt Appendix - Expansion of the South Thames Gateway Building Control  
Partnership Business Case

### **Background papers**

None

## Appendix 1 - Diversity Impact Assessment: Screening Form

<b>Directorate Regeneration Culture and Community</b>	<b>Name of Function or Policy or Major Service Change</b>  <b>Building Control Partnership</b>	
Officer responsible for assessment  Tony Van Veghel	Date of assessment  11 August 2017	New or existing?  Existing
<b>Defining what is being assessed</b>		
<b>1. Briefly describe the purpose and objectives</b>	To ensure compliance with the Building Act 1984 by enforcing the Building Regulations across four boroughs. Deal with dangerous structures, demolitions, unauthorised work. Provide discretionary services through a consultancy. The objectives of the agreed Business Plan 2018/21 reflect those of the previously considered Business Plan 2017/20 and do not affect the responses given then. However, as the expansion report now includes a further council's building control service a new DIA has been carried out.	
<b>2. Who is intended to benefit, and in what way?</b>	Residents, businesses and visitors to Medway.	
<b>3. What outcomes are wanted?</b>	A healthy, safe and sustainable environment.	
<b>4. What factors/forces could contribute/detract from the outcomes?</b>	<b>Contribute</b>  Resources available from the Partnership. Support from the proposed four constituent Authorities.	<b>Detract</b>  Competition from the private sector. Economic climate.
<b>5. Who are the main stakeholders?</b>	The four boroughs in the Partnership, Medway, Gravesham, Swale and Canterbury. Property owners, businesses, developers and architects.	
<b>6. Who implements this and who is responsible?</b>	No third parties are involved.	

<b>Assessing impact</b>		
<b>7. Are there concerns that there <u>could</u> be a differential impact due to <i>racial groups</i>?</b>	YES	Brief statement of main issue
	NO	
<b>What evidence exists for this?</b>	All applications are processed in accordance with The Building Act 1984 and Building Regulations 2010 (as amended) legislation. All enquiries for consultancy services are based on competitive quotes compared against the private sector.	
<b>8. Are there concerns that there <u>could</u> be a differential impact due to <i>disability</i>?</b>	YES	Brief statement of main issue
	NO	
<b>What evidence exists for this?</b>	All applications are processed in accordance with The Building Act 1984 and Building Regulations 2010 (as amended) legislation although disabled people or their carers are not charged a fee under the exemptions in the Charges legislation. All enquiries for consultancy services are based on competitive quotes compared against the private sector.	
<b>9. Are there concerns that there <u>could</u> be a differential impact due to <i>gender</i>?</b>	YES	Brief statement of main issue
	NO	
<b>What evidence exists for this?</b>	All applications are processed in accordance with The Building Act 1984 and Building Regulations 2010 (as amended) legislation. All enquiries for consultancy services are based on competitive quotes compared against the private sector.	
<b>10. Are there concerns there <u>could</u> be a differential impact due to <i>sexual orientation</i>?</b>	YES	Brief statement of main issue
	NO	
<b>What evidence exists for this?</b>	All applications are processed in accordance with The Building Act 1984 and Building Regulations 2010 (as amended) legislation. All enquiries for consultancy services are based on competitive quotes compared against the private sector.	
<b>11. Are there concerns there <u>could</u> be a have a differential impact due to <i>religion or belief</i>?</b>	YES	Brief statement of main issue
	NO	
<b>What evidence exists for this?</b>	All applications are processed in accordance with The Building Act 1984 and Building Regulations 2010 (as amended) legislation. All enquiries for consultancy services are based on competitive quotes compared against the private sector.	

<b>12. Are there concerns there <u>could</u> be a differential impact due to people's age?</b>	YES	Brief statement of main issue
	NO	
<b>What evidence exists for this?</b>	All applications are processed in accordance with The Building Act 1984 and Building Regulations 2010 (as amended) legislation. All enquiries for consultancy services are based on competitive quotes compared against the private sector.	
<b>13. Are there concerns that there <u>could</u> be a differential impact due to <i>being transgendered or transsexual</i>?</b>	YES	Brief statement of main issue
	NO	
<b>What evidence exists for this?</b>	All applications are processed in accordance with The Building Act 1984 and Building Regulations 2010 (as amended) legislation. All enquiries for consultancy services are based on competitive quotes compared against the private sector.	
<b>14. Are there any <i>other</i> groups that would find it difficult to access/make use of the function (e.g. people with caring responsibilities or dependants, those with an offending past, or people living in rural areas)?</b>	YES	If yes, which group(s)?
	NO	
<b>What evidence exists for this?</b>	All applications are processed in accordance with The Building Act 1984 and Building Regulations 2010 (as amended) legislation. All enquiries for consultancy services are based on competitive quotes compared against the private sector.	
<b>15. Are there concerns there <u>could</u> be a have a differential impact due to <i>multiple discriminations</i> (e.g. disability <u>and</u> age)?</b>	YES	Brief statement of main issue
	NO	
<b>What evidence exists for this?</b>	All applications are processed in accordance with The Building Act 1984 and Building Regulations 2010 (as amended) legislation. All enquiries for consultancy services are based on competitive quotes compared against the private sector.	

<b>Conclusions &amp; recommendation</b>		
<b>16. Could the differential impacts identified in questions 7-15 amount to there being the potential for adverse impact?</b>	YES	Brief statement of main issue
	NO	
<b>17. Can the adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or another reason?</b>	YES	Please explain
	NO	Not applicable

Recommendation to proceed to a full impact assessment?		
<b>NO</b>	<b>This function/ policy/ service change complies with the requirements of the legislation and there is evidence to show this is the case.</b>	
<b>NO, BUT ...</b>	<b>What is required to ensure this complies with the requirements of the legislation? (see DIA Guidance Notes)?</b>	The Building Act 1984 and the Building Regulations 2010 (as amended) applies to all applications and The Building (Local Authority Charges) Regulations 2010 provide for exemptions of charges for applications from disabled persons and their carers.
<b>YES</b>	<b>Give details of key person responsible and target date for carrying out full impact assessment (see DIA Guidance Notes)</b>	

<b>Action plan to make Minor modifications</b>		
<b>Outcome</b>	<b>Actions (with date of completion)</b>	<b>Officer responsible</b>
Carry out survey of online submissions through new website	Survey to be carried out following Medway finance developing online payment functionality	Janine Boughton

<b>Planning ahead: Reminders for the next review</b>	
<b>Date of next review</b>	March 2019
<b>Areas to check at next review (e.g. new census information, new legislation due)</b>	Validity and depth of information gathered.



<b>Is there <i>another</i> group (e.g. new communities) that is relevant and ought to be considered next time?</b>	No	
<b>Signed (completing officer/service manager)</b>	<b>Date</b>	11/08/17
<b>Signed (service manager/Assistant Director)</b>	<b>Date</b>	