

## **CABINET**

**6 FEBRUARY 2018**

### **SOUTH THAMES GATEWAY BUILDING CONTROL BUSINESS PLAN**

- Portfolio Holder: Councillor Jane Chitty, Planning, Economic Growth and Regulation and Member of Joint Committee
- Report from: Richard Hicks, Director Regeneration, Culture, Environment and Transformation and Deputy Chief Executive
- Report from: Tony Van Veghel, Director, South Thames Gateway Building Control Partnership

#### **Summary**

This report seeks agreement to the South Thames Gateway Building Control Partnership Business Plan for 2018/2021 and Delivery Plan.

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

- 1.1 The approval of the South Thames Gateway Building Control Partnership Business Plan is a matter for Cabinet, however, specific parts of the plan may need to be progressed in accordance with the Council's relevant policies and procedures. The STG Building Control Partnership came into existence on 1 October 2007 bringing together the building control services of Gravesham, Medway and Swale councils.

#### **2. Background**

- 2.1 The South Thames Gateway Building Control Partnership (involving Medway, Gravesham and Swale) went live in 2007 and the Partnership's business plan outlines how the building control function for the three Partnership Councils will be delivered over the next three financial years.
- 2.2 The Joint Committee's Constitution sets out the process for approval of the business plan each year and the timing required to ensure that each partner authority is able to incorporate associated budget requirements into the financial planning process for the subsequent year. The stages to this process are as follows:
- Before 1 October each year the Joint Committee is required to approve and send its draft Business Plan for the following year to each partner authority for comments.

- Each Council has 35 days (from receipt) to provide comments to the secretary of the Joint Committee on the draft business plan. In order to streamline the process the Cabinets in each partner authority have agreed to delegate authority to the relevant director, in consultation with the council's Chief Finance Officer and appointed member on the Joint Committee to deal with this element of the process.
  - The Joint Committee is then required to meet to consider any comments received and agree any revisions to the draft business plan.
  - By no later than 5 January the Joint Committee has to send a revised draft to each partner authority for their final approval.
  - Each partner authority must advise the Secretary to the Joint Committee whether it approves or rejects the revised draft business plan by no later than 10 days before the Annual Meeting of the Joint Committee. (The Joint Committee will formally adopt the Business Plan at its Annual meeting).
- 2.3 There are also provisions in the Constitution of the Joint Committee stipulating the process and timescales for agreeing amendments to the business plan during the course of each year.
- 2.4 Whilst much of the building control partnership operation is subject to competition from approved inspectors, the service retains statutory responsibilities regarding public protection eg, dangerous structures, demolitions, unauthorised works and maintain public registers etc.

### **3. Executive summary**

- 3.1 The Business Plan (Exempt Appendix) outlines how the building control function will be delivered on behalf of the three partnership Councils up until 2021 and indicates what the reduced contributions will be between 2018/2021.
- 3.2 We have included two scenarios in the financial plan to cover both a three partner and four partner arrangement. Approval to include Canterbury's City Councils building control service into the partnership from April 2018 was given in October 2017 and negotiations have commenced covering a number of areas of the agreement including staff transfer, IT requirements, a revised operations plan and work towards a formal legal agreement.
- 3.3 Until such time as the new partnership is fully implemented we have had to indicate the level of contributions required from both a three and four partner arrangement. However, it is envisaged that there will be some small savings in the first year with subsequent further savings once the new arrangement is in place.
- 3.4 Introducing a new area brings with it a number of opportunities to increase our current market share and build in further resilience to the partnership so as to deliver a first class service over a much larger area.

3.5 The amended plan presented to Members for final consideration indicates the four agreed objectives:

- Continue to meet customer needs
- Maximise technology to reduce cost and improve delivery
- Continue to improve the way we work
- Value support and develop staff

The plan also includes action plans and targets to achieve these objectives. We have also adopted three themes which will influence the improvements to our service, these are:

- Working towards a paperless office
- Applying the principles of the borderless office, and
- Utilising the benefits of digital transformation

3.6 These themes will guide the development improvements in the year ahead and underpin the objectives in the delivery plan. With continued support from the partner authorities these objectives will build on the reputation of delivering a first class service to customers and stakeholders.

3.7 Medway's contribution towards the partnership funding has reduced by £6,669 from £141,423 in 2017/2018 to £134,763 in 2018/2019. This contribution is forecasted to reduce over the life of this business plan from the £134,763 in 2018/2019 to £126,701 by 2021. However, if Canterbury join the partnership as expected on 1 April 2018, contributions are forecast to reduce further to £133,204 in 2018/2019 and £115,667 in 2021.

3.8 A Diversity Impact Assessment was carried out on Canterbury City Council joining the partnership and this was notified to Members in the report dated 26 September 2017 and is included as at Appendix A.

## **4 Financial implications**

4.1 The Memorandum of Agreement, which underpins the Partnership, states "each Council shall notify the Partnership no later than 28 February in each year the amount the Council has allocated to the Partnership from its revenue budget". For Medway, the sum of £134,763 has been provided for in the 2018/19 draft budget. However, with Canterbury joining on 1 April 2018 the contributions are forecast to reduce to £133,204.

## **5 Legal implications**

5.1 The Building Control function is a statutory duty under the Building Act 1984 and therefore must be provided by each authority – whether as a partnership arrangement or a stand alone service.

5.2 A Deed of Variation (DOV) is currently being negotiated which will apply with Canterbury joining on 1 April 2018 which will amend certain paragraphs within the existing Memorandum of Agreement. The amendments that have been tabled to date are consequential to Canterbury joining and there are

no proposed variations to date on the current working arrangements of the partnership or Joint Committee.

- 5.3 A copy of the Business Plan has been provided to Canterbury as part of their due diligence on the partnership. Any changes they would wish to see to the Business Plan would need to be done under the provisions in the Constitution of the Joint Committee for agreeing amendments to the business plan during the course of each year, once Canterbury has joined the Partnership.

## **6 Risk management**

- 6.1 Should chargeable applications and therefore income fall below expectations and outside of any mitigating proposals put forward to enable a zero based budget there may be further calls on the contributions from each of the partner authorities. However, this would be only applied for as a last resort.
- 6.2 Service risks are set out in Part 3 of the Service Delivery Plan 2018-2021.

## **7 Recommendations**

- 7.1 That the proposed Business Plan for 2018/2021 and Delivery Plan for the South Thames Gateway Building Control Partnership, as set out in the Exempt Appendix, be approved by the Cabinet and the proposed contribution of £134,763 for 2018/2019 be noted.

## **8 Suggested reasons for decisions**

- 8.1 The constitution of the Joint Committee requires approval of the Business Plan for the following year by the Cabinet of each Partner Authority.

### **Lead officer contact**

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### **Appendices**

Appendix A: Diversity Impact Assessment

Exempt Appendix: South Thames Gateway Building Control Partnership Draft Business Plan 2018/2021 and Service Delivery Plan 2018/2021

### **Background papers**

None

## Appendix A - 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. <u>disability and age</u>)?</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>	