

POLICY AND RESOURCES COMMITTEE – 7 SEPTEMBER 2020

PART I - DELEGATED

11. EXEMPTION FROM PROCUREMENT PROCEDURE – REVIEW OF BUILDING CONTROL STATUTORY SIGNOFF PROCEDURES (DCES)

1 Summary

1.1 To advise Members that an exemption to the procurement process was approved by the Director of Community and Environmental Services under the Limited Market exemption as permitted by the Council's Constitution for the provision of services by Capita to undertake a review of the Building Control statutory sign off procedures.

2 Details

2.1 An exemption may be considered by the Chief Executive or a Director when there is a Limited Market.

2.2 Once approved, a report to the Policy and Resources Committee must detail the actions taken. This report is for information only to comply with the requirements of the Constitution.

2.3 The exemption was given for the engagement of a consultant to undertake a risk assessment of the statutory building control function which is currently provided by Three Rivers District Council (TRDC) under the pseudonym LA1. LA1 has delegated responsibility to issue all Building Control Notices issued by Hertfordshire Building Control (HBC) on behalf of Dacorum, Broxbourne, East Herts, Hertsmere, North Herts, Stevenage, Three Rivers, and Welwyn Hatfield Councils.

2.4 The knowledge required to undertake this risk assessment is complex and requires an individual with specialist knowledge in the following areas:

- Building Act
- Building Control
- Delegated Authority
- Set up of Teckal companies
- Risk Management
- Understanding of future Building Regulation legislation and how it relates to different delivery mechanisms.

2.5 It has been agreed that this work needs to be undertaken by a third party rather than in-house in order to obtain an independent perspective. Research established that there are very few individuals who would have the ability to really understand what is required and have the knowledge to deliver. Our current auditors, SIAS, were initially approached, but they declined on the grounds they did not have the required expertise. The consultant, Patrick Cunningham, from Capita was highly recommended by the LABC, the Building Control professional body, and has the necessary experience to undertake the assessment.

2.6 Patrick Cunningham and his team are experienced Building Control practitioners, and operate a national Local Authority Building Control service. They are also conversant across a number of other Local Authority statutory services, namely Planning, Public Protection and Highways. Their collective service operations have enabled them to

develop a thorough understanding and expertise of the workings of Local Government and how best local authorities and services should operate and discharge their duties. This includes governance arrangements and the careful management of the risk involved. As practitioners, their experience and expertise has allowed them to develop Practitioner led Service Reviews, which are now a core part of their business. As such, over the years, they have carried out a range of Service Reviews for a number of local authorities including:

- The BCN Building Control Partnership (Bolsover, Chesterfield and North-East Derbyshire)
- Sheffield City Council
- Purbeck District Council, Dorset
- North Tyneside Council
- London Borough of Barnet
- London Borough of Lambeth
- Luton MBC
- North Lincolnshire Council
- Breckland Council
- East Midlands Building Consultancy

2.7 The framework has been reviewed by Ian Fullstone (Head of Development and Building Control, North Herts), a member of the Hertfordshire Building Control Commissioning Panel and one of the initial founding group of HBC, together with James Baldwin (TRDC Principal Solicitor) and Kimberley Rowley (Head of Regulatory Services).

2.8 The fee of £9,500 plus VAT will be split equally (£1,187.50 plus VAT) across all 8 members of the Commissioning Panel. This has been agreed in writing by all 8 parties. TRDC will invoice the other seven authorities and then pay Capita on completion of the project.

2.9 The additional benefit of appointing Patrick Cunningham is that he is working with MHCLG and LABC on the new Building Control legislation currently going through Parliament and therefore will be able to consider LA1 risk and set up in the light of the proposed legislation.

3 Options and Reasons for Recommendations

3.1 The Constitution requires that a report is taken to the Policy and Resources Committee on the action taken in the event that an exemption to the procurement process is approved.

4 Policy/Budget Reference and Implications

4.1 The recommendations in this report are set out in Part 4 of the Council's Constitution.

5 Financial

5.1 The LA1 budget has included a contingency of £2,000 for audit work, this assessment will be set against that contingency.

6 Legal, Equal Opportunities, Staffing, Environmental, Community Safety, Public Health, Customer Services Centre, Communications & Website, Risk Management and Health & Safety Implications

6.1 None Specific.

7 Risk Management and Health & Safety Implications

7.1 None Specific

8 Recommendation

8.1 That the Policy and Resources Committee note the action taken.

Report prepared by: Joanna Hewitson, LA1 Contract Manager

Data Quality

Data sources: None

Background Papers

The Council's Constitution: Part 4 – Contracts Procedure Rules

APPENDICES / ATTACHMENTS

None