

## Supporting Information and Impact Assessment

Service / Policy:	Building Control
Executive Lead:	Mark King
Director / Assistant Director:	Frances Hughes

Version:	1	Date:	6 January 2017	Author:	Matthew Hunt
----------	---	-------	----------------	---------	--------------

### Section 1: Background Information

1.	<p><b>What is the proposal / issue?</b></p> <p>The proposal is for Torbay Building Control Service to join and form part of an enlarged shared Building Control service working in partnership with Teignbridge, South Hams and West Devon to offer a more resilient and sustainable service.</p> <p>The proposal is cost neutral but provides a more effective and flexible operating model meeting the needs of customers and interested neighbouring Councils. All current Torbay Council Building Control staff will TUPE transfer to Teignbridge Council, (the host Authority).</p>
2.	<p><b>What is the current situation?</b></p> <p>The Building Control Service within Torbay Council operates as:</p> <ul style="list-style-type: none"> <li>• A <b>commercial provider</b> - building control services earns fees from client organisations, against competition from Approved Inspectors (AI's).</li> <li>• A <b>supplier of last resort</b> of building control services, for clients where AI's have not been approached or have no interest in acting.</li> <li>• As the <b>enforcer</b> of building regulations as AI's cannot take enforcement action.</li> </ul> <p>Building Control is a cost recovery fee earning service which sets charges to recover the actual costs for carrying out the main building regulation function. This primarily consists of the plan checking of Building Regulation applications and subsequent site inspections when work commences to ensure that the requirements of the Building Regulations are met.</p> <p>The service also manages and carries out a series of other functions for the Council, for example, dealing with dangerous structures, demolitions and providing advice to the public on Building Regulation matters.</p> <p>Over the past 5 years the service has experienced a 46% reduction in its staff resource to meet the financial challenges presented to the Authority. To meet future challenges, partnership working provides the most appropriate</p>

	<p>arrangement for service delivery to satisfy the demand and needs of the customer and Torbay Council.</p>
<p>3.</p>	<p><b>What options have been considered?</b></p> <p><b>Option 1: Retain the status quo</b></p> <p><b>Continue to make our own-</b> The Building Control Service in its current form maintains its role as an enforcing authority and as a supplier of last resort. Well regarded and not for profit services are provided but duplicated within each Local Authority with additional savings becoming ever harder to find. The service is currently operating at a deminimus level and further reductions would destabilise the service and reduce their potential to maintain their income stream.</p> <p><b>Option 2: Outsource some elements of the service</b></p> <p><b>Buy in-</b> The outsourcing of services to the private sector would effectively create an Approved Inspector which would remove choice, introduce an element of profit taking and result in a loss of local control over decision making for the Council. There is a long term contractual obligation which reduces flexibility and exit costs could be prohibitive. This would also have a negative impact on the existing Partnership and national Local Authority Building Control. The whole of the service cannot operate in this way as the Council would still need a client function to discharge its statutory duties.</p> <p><b>Operational Sharing-</b> This model would primarily involve the sharing of plan checking, inspection, and the response to public safety concerns across boundaries but may prove difficult to manage creating inefficiency in the function. There are no long term contractual obligations however support costs remain high.</p> <p><b>Option 3: Shared Services</b></p> <p><b>Hosted Shared Services-</b> This option has all of the benefits of Torbay Councils' own existing service providing greater resilience through a larger group, access to specialist expertise and as the proposal is to join an existing partnership, the opportunity to provide additional services to customers, creating new income streams. There is a pre-existing partnership in South Devon which has a good track record which Torbay can join which will provide long term sustainability and continuity of service for the residents of Torbay.</p>
<p>4.</p>	<p><b>How does this proposal support the ambitions, principles and delivery of the Corporate Plan 2015-19?</b></p>

	<p><i>Ambitions: Prosperous and Healthy Torbay</i></p> <p>Joining the existing partnership as an equal partner is a low risk solution that provides a sustainable and resilient Building Control service for Torbay Council. As a Local Authority income generating service, the opportunities afforded through partnership provides a business advantage over our private competitors whilst maintaining a strong Local Authority service helping to protect the health and safety of people in and about buildings.</p> <p><i>Principles:</i></p> <ul style="list-style-type: none"> <li>• <i>Use reducing resources to best effect</i></li> <li>• <i>Reduce demand through prevention and innovation</i></li> <li>• <i>Integrated and joined up approach</i></li> </ul> <p><i>Targeted actions:</i></p> <ul style="list-style-type: none"> <li>• <i>Ensuring Torbay remains an attractive and safe place to live and visit</i></li> </ul>
<p><b>5.</b></p>	<p><b>Who will be affected by this proposal and who do you need to consult with?</b></p> <p>The proposal has been through due process with the neighbouring Authorities, (Teignbridge, South Hams and West Devon), who currently make up the existing Devon Building Control Partnership with a favourable outcome to the arrangement.</p> <p>As Part of the TUPE process, staff consultation will take place and Council policies and legal requirements and arrangements will be observed.</p> <p>Key stakeholders include agents, developers, builders and the public. There is no intention to consult with the public as the service provision will not change. Stakeholders involved in the building industry are already aware of and engaged with the current Devon Building Control Partnership so any perceived impact is negligible.</p>
<p><b>6.</b></p>	<p><b>How will you propose to consult?</b></p> <p>Staff briefings and joint meetings with the existing Partnership. All appropriate Human Resource policy led engagement arrangements.</p> <p>Staff consultation will take place as part of the TUPE process. General updates are provided at team meetings and regular 1 to1 meetings with the team.</p> <p>Letters will be sent to all business stakeholders to explain the new arrangement prior to the date of implementation.</p>

## Section 2: Implications and Impact Assessment

<b>7.</b>	<b>What are the financial and legal implications?</b>  The proposal is cost neutral with no significant financial implications. There is a “one off” cost for the transfer of data onto the host Council’s system which is part met through transformation project funding agreed by that board.  There are no significant legal implications; Torbay Council will retain a client function with the Assistant Director (Communities and Customer Services) or nominated deputy appointed through the scheme of delegation.  A contractual arrangement will set the parameters for the proposal, under provisions contained in the Local Government Act 1972 and the Local Government Act 2000. This will be supported by a service level agreement detailing the services provided. The constitutional and legal framework for the agreement is currently being decided with legal services.
<b>8.</b>	<b>What are the risks?</b>  The decision to join the existing Partnership presents little risk to the Council. The existing shared service has been in existence for 12 years demonstrating a track record of service delivery through partnership.
<b>9.</b>	<b>Public Services Value (Social Value) Act 2012</b>  No procurement process is required. Section 101 of the Local Government Act allows for an Authority to arrange with another Authority to discharge any of their functions.
<b>10.</b>	<b>What evidence / data / research have you gathered in relation to this proposal?</b>  By the very nature of its Business, Local Authority Building Control has been at the forefront of developing partnerships across the Country. This has primarily been borne out of the reasons set out above. The joining of the service across Councils has helped to promote consistency in decision making and create opportunity and flexibility to offer additional services to customers as they are often shared across neighbouring boundaries. This has helped to meet both the needs of the customer and Councils in a demand led, competitive environment.
<b>11.</b>	<b>What are key findings from the consultation you have carried out?</b>  This has not yet commenced until the TUPE consultation is triggered. Consultation and discussion has been undertaken with the Building Control

	shared service existing partners over many months to reach this current decision point.
<b>12.</b>	<b>Amendments to Proposal / Mitigating Actions</b> Not yet required.

## Equality Impacts

13	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people			There is no differential impact.
	People with caring Responsibilities			There is no differential impact.
	People with a disability			There is no differential impact.
	Women or men			There is no differential impact.
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			There is no differential impact.
	Religion or belief (including lack of belief)			There is no differential impact.
	People who are lesbian, gay or bisexual			There is no differential impact.
	People who are transgendered			There is no differential impact.
	People who are in a marriage or civil partnership			There is no differential impact.
	Women who are pregnant / on maternity leave			There is no differential impact.

	Socio-economic impacts (Including impact on child poverty issues and deprivation)		There is no differential impact.
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	Increased resilience of service delivery by a larger organisation	There is no differential impact.
<b>14</b>	<b>Cumulative Impacts – Council wide</b> (proposed changes elsewhere which might worsen the impacts identified above)	None foreseen	
<b>15</b>	<b>Cumulative Impacts – Other public services</b> (proposed changes elsewhere which might worsen the impacts identified above)	None foreseen	