



## **EXECUTIVE MEMBER DELEGATED POWERS DECISION NOTICE**

### **LOCAL GOVERNMENT ACT 2000 SECTION 9E**

#### **1 DETAILS OF EXECUTIVE MEMBER TAKING THE DECISION**

- 1.1 Councillor Stephen Boulton, Executive Member, Environment and Planning.

#### **2 TITLE OF REPORT**

- 2.1 Shareholder Representative for Broste Rivers Limited holding company, Hertfordshire Building Control Limited and The Building Control (Hertfordshire) Company Limited trading companies.

#### **3 DECISION TAKEN**

- 3.1 That the Corporate Director Public Protection, Planning and Governance be appointed as the Council's shareholder representative for these companies.

#### **4 IF URGENT, REASONS FOR URGENCY**

- 4.1 N/A

#### **5 DETAILS OF OTHER EXECUTIVE MEMBER(S) CONSULTED**

Name Councillor Stephen Boulton

Signature 

Date this decision was taken: 25 September 2020

Date of circulation/publication of this decision: 28 September 2020

#### **6 EXPLANATION/BACKGROUND**

- 6.1 In July 2016, Cabinet agreed to the establishment of a joint building control company in conjunction with six other local authorities, to transfer its staff and non-statutory functions into that company and to transfer its statutory functions to Three Rivers Council, all subject to provisions set as out in Articles of Association, a Shareholder Agreement, Services Agreement and Inter-Authority Agreement, with further oversight by a company board and commissioning panel.
- 6.2 Cabinet delegated authority to relevant officers to carry out the necessary operational steps to create the joint service. The Chief Executive was appointed as the council's shareholder representative.
- 6.3 For other councils, the shareholder representative appointments were made at director level.

- 6.4 The current Chief Executive leaves the Council in October and it is therefore proposed that the Corporate Director Public Protection, Planning and Governance is appointed as the Council's new shareholder representative.

#### Legal Implications

- 6.2 The shareholder representative receives regular communication from the company to ensure that it is financially sound and behaviourally prudent. The shareholder representative is responsible for confirming any changes to the Articles of the company. The shareholder representative attends the company's AGM to sign-off the financial accounts and tax reports.

#### Financial Implications

- 6.3 There are no financial implications resulting from a change in who acts as the shareholder representative.

#### Risk Implications

- 6.4 The risk implications are firstly that the company is not financially sound or behaviourally prudent and fails to deliver a building control function to the residents and businesses of the county and secondly that poor decision-making leads to an incident that results in building failure or harm or loss of life.

#### Alternative options considered and reasons for their rejection (if any)

- 6.5 The Chief Executive or one of the other corporate directors could have been appointed as the Council's shareholder representative. The new interim Chief Executive will have a lot of challenges. The nominated Corporate Director Public Protection, Planning and Governance has the most knowledge of the building control system and oversees services that are the least likely to commission work from the building control company. The nominated Corporate Director Public Protection, Planning and Governance is also currently responsible for the Council's representative on the Commissioning Panel, which monitors the service performance of the companies.
- 6.6 The Corporate Director Housing and Communities oversees services that currently commission work from the building control company.

### **7 BACKGROUND PAPERS USED TO INFORM THE DECISION**

- 7.1 Building Control report to Cabinet July 2016.

### **8 DETAILS OF ANY MEMBERS OR OFFICERS WHO HAVE DECLARED AN INTEREST IN THIS MATTER AND THE NATURE OF ANY SUCH INTEREST AND ANY DISPENSATIONS GRANTED**

- 8.1 N/A

### **9 ADDITIONAL CONFIDENTIAL OR EXEMPT INFORMATION CONSIDERED**

- 9.1 N/A

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