

**Town Council 12 April 2016  
Cemetery Lodge**

**RECOMMENDED**

- (i) That the Town Council agrees the risk assessment of accepting the price from the building consultant without seeking additional estimates
- (ii) That the Town Council agrees Financial Regulation 11.1 a ii applies and that the Building Consultant is treated as a specialist service, particularly with regard to providing Health and Safety Documentation required under The Construction (Design and Management) Regulations
- (iii) That the fee quote from the building consultant dated 3 April 2016 is accepted to with regard to assisting the Town Council with agreeing the scope of work, appointing a contractor and formulating a contract and
- (iv) that the same building consultant is offered the opportunity to confirm or change their fee quote for supervision of the works to reflect whatever work to the Cemetery Lodge the Town Council may agree to implement and no additional fee quotes to be sought.

**Introduction**

1. In accordance with the instructions of the Town Council (Minute 212 of 23 February 2016) a price has been sought from Building Consultancy Services (NP) to assist the Town Council in making decisions regarding work to the Cemetery Lodge by providing professional, specialist expertise. A confidential copy of the fee quote is provided for Town Councillors.
2. The fee quotation has been provided with 2 separately costed elements of work: the first part to assist the Town Council with agreeing the scope of work, appointing a contractor and formulating a contract; the second part would deal with supervision of the works.

**Financial Regulations**

3. Financial Regulation 11 deals with procedures relating to contracts and whilst it would be usual practice to strive to obtain 3 estimates (for work value estimated as over £500.00 but under £25,000) the procedures do allow for a contract for specialist services to be awarded without the need to obtain 3 prices, this is defined in 11.1 a ii “ for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants.” It could be argued that the building consultant is providing such a service particularly as the quotation includes preparing the Health and Safety Documentation required under The Construction (Design and Management) Regulations.
4. In any event, the Financial Regulations do allow for the Town Council to suspend any part of Financial Regulations - 18.2 states  
*“The council may, by resolution of the council duly notified prior to the relevant meeting of council, suspend any part of these Financial Regulations provided that reasons for the suspension are recorded and that an assessment of the risks arising has*

*been drawn up and presented in advance to all members of council”*

Should Council wish to suspend the Financial Regulation regarding obtaining 3 estimates, rather than arguing the specialist service case, the need to progress the matter of the cemetery lodge expeditiously given the length of time it has taken to reach this point could be cited as the reason.

5. A risk assessment of accepting the price from the building consultant is given below.

## Agenda No 14

Short Risk Description	Uncertainty?	Leading To?	Resulting In?	Possible Causes	“T” action	Controls / Actions	(Residual) Impact Assessment	(Residual) Likelihood Assessment	(Residual) Risk Score
Consultant Not Qualified	Whether or not they have knowledge and experience to undertake the job	Inappropriate advice being given	Council taking bad decisions	Lack of checking before awarding job	Treat	Take up references  Contractor is known to Town Council	Moderate	Unlikely	Low
Overpaying for service	Whether or not the fee quoted is reasonable	Overpayment for service provided	Inefficient spending	Lack of market comparison	Treat	Contractor was best value for separate project within previous 18 months when at least 3 prices were obtained	Moderate	Unlikely	Low

### Risk Assessment Grid (provided By South West Audit Partnership)

		Negligible	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Rare (< 6%)	1	Low	Low	Low	Low	High
Unlikely (6 - 20%)	2	Low	Low	Low	Medium	High
Possible (21 – 50%)	3	Low	Low	Medium	Medium	High
Likely (51 – 80%)	4	Low	Medium	Medium	High	Very High
Almost Certain (> 80%)	5	Low	Medium	High	Very High	Very High

**Budget**

6. The Town Council does not have a specific budget for obtaining this building consultancy service, the cost would have to be met from either the renewals fund for the Cemetery Lodge of the unearmarked contingency.

**For further Information** contact: The Town Clerk, Tel 01460 52149 or  
email [town.council@ilminster.gov.uk](mailto:town.council@ilminster.gov.uk)

**Background Papers:**

Ilminster town Council Financial Regulations