

COUNCIL

Agenda Item:

Ward: All

Portfolio: Health and Well Being

FROM: Monitoring Officer **Date: 9 May 2016**

SUBJECT: Somerset Building Control Partnership – Changes to the Council’s Constitution

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Report Sign off	Seen by:	Name	Date
	Legal	Donna Nolan	24.3.16
	Finance		
	Chief Executive Officer	Stuart Brown	22.3.16
	Corporate Manager	Tracy Aarons	29.3.16
Summary:	<p>On 1 April the Somerset Building Control Partnership – consisting of the Council, together with West Somerset Council, Taunton Deane Borough Council and Sedgemoor District Council – assumed responsibility of the provision of building control services in the areas of the four Councils. Under the partnership agreement, all four councils agreed to delegate their building control powers to the joint committee which is to be responsible for the Partnership.</p> <p>At the same time, it was agreed that all legal issues arising from discharge of the Partnership’s functions would be dealt with by the shared legal service currently provided by SHAPE Partnership Services.</p> <p>As a result, certain provisions within the Council’s own Constitution need to be updated to reflect the new arrangements which have been introduced.</p>		
Recommendation:	That the changes to the Council’s Constitution as set out in Appendix 1 to this Report be approved		
Direct and/or indirect impact on service delivery to our customers and communities	None arising directly from this Report, although the Building Control Partnership has the express purpose of securing improvements in the delivery of building control services within the four Councils’ areas.		

Financial Implications:	None arising directly from this report
Legal Implications:	It is necessary for the Council's Constitution to reflect accurately the arrangements which have been agreed for the discharge of building control services in the Council's area.
Crime and Disorder Implications:	None
Equalities Implications:	None
Risk Assessment and Adverse Impact on Corporate Actions:	None

INTRODUCTION

1. On 11 March 2016, the Council formally entered into an Agreement with West Somerset, Taunton Deane and Sedgemoor, under which building control services in the four Councils' areas would be delivered by the Somerset Building Control Partnership with effect from 1 April 2016.
2. Sedgemoor is the host authority for the Partnership. The partnership entails a formal delegation of the four Councils' building control powers to the Partnership's Joint Committee, which is to consist of eight Members (two from each of the four partner authorities).
3. This Council is already a participant in joint committee arrangements in connection with the South West Audit Partnership and the Somerset Waste Partnership.
4. This Council's Constitution requires amendment to reflect the delegation of the Council's building control powers to the Somerset Building Control Partnership Joint Committee.

BACKGROUND

5. The amendments to the Council's Constitution which are required can be summarised as:

- Inclusion of the Joint Committee's Constitution as an appendix to the Constitution (new Appendix U)
 - Insertion of reference to building control services being the subject of a formal delegation to a joint committee (Paragraph 18.9)
 - Deletion of building control services from list of general delegations to Corporate Manager – Built Environment (Section 18, Part A, Section B(B))
6. In addition, the Partnership Agreement provides that legal services relating to the discharge of building control services by any of the four partners will be provided by the shared legal service which currently operates for this Council, Taunton Deane and West Somerset, and which is hosted by this Council. As a result, there is a need for an addition to the list of specific delegations to the Council's Monitoring Officer and Legal Adviser (Section 18, Part A, Section C(3)).
7. The precise wording of the proposed amendments to this Council's Constitution is set out in Appendix 1 to this Report. The Joint Committee's own Constitution (which is proposed for inclusion as Appendix U to the Mendip Constitution) is provided as Appendix 2 to this Report.

RECOMMENDATION

The Council is requested to RESOLVE that the Council's Constitution be amended in the manner detailed in Appendix 1 to this Report

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Background Papers

Somerset Building Control Partnership Agreement 11 March 2016