

Appendix 2

CONSTITUTION OF THE JOINT COMMITTEE

General Arrangements

1. The Joint Committee shall act as the decision making body in respect of any joint decision required to be taken other than:

1.1 Decisions that each Constituent Authority is required to make in accordance with its own Constitution as provided for by Article 39 of this Constitution (“a “Reserved Decision”):and

1.2 Any decision relating to the management and operation of the Building Control Service which shall be the responsibility of the Host Authority, namely Sedgemoor District Council in accordance with its own Constitution (a “Host Authority Decision”).

2. In making decisions, the Joint Committee shall have regard to all relevant legislation including without limitation: any regulations, orders, bylaws and other subsidiary legislation made under the following enactments.

- The Building Act 1984 and regulations made there under
- The Building Regulations 2010
- The Sustainable and Secure Buildings Act 2004
- The Party Wall Act 1996
- The Building (Local Authority Charges) Regulations 2010
- The Local Government (Miscellaneous Provisions) Act 1982.
- Planning Act 2008
- The Public Health Act 1925.
- Regulatory Reform (Fire Safety) Order 2005

3. The meetings of the Joint Committee shall operate in accordance with Article 8 of the Constitution of Mendip District Council

4. To the extent not otherwise provided for in this Constitution of the Joint Committee, the provisions of the Constitution of Mendip District Council (as the same may be amended from time to time) shall apply

5. In the event of conflict between the provisions of this Constitution and the Constitution of Mendip District Council, the provisions of the Constitution of Sedgemoor District Council shall prevail

Membership of Joint Committee

6. The Joint Committee shall comprise eight members as follows

7. Each of the Constituent Authorities shall appoint two nominated Members (both of whom shall be current elected Members of the Constituent Authority) as Members of the Joint Committee

8. Each Member shall be appointed by its relevant Constituent Authority annually but a Member shall cease to be a Member of the Joint Committee if he or she ceases to be a member of the Constituent Authority appointing him or her

9. Where any Constituent Authority has an Executive Committee then the Constituent Authority shall observe the requirements of the Local Authorities (Arrangements for the Discharge of Functions)(England) Regulations 2000 as the same may be amended from time to time

10. In the event of a new member authority becoming a member of the Joint Committee, it shall observe the requirements of this Constitution

11. Any casual vacancies howsoever arising shall be filled by the Constituent Authority from which the vacancy arises by informing by notice each of the other Constituent Authorities and the Clerk
12. The Joint Committee shall appoint one of its Members as Chair and one as Deputy Chair at each Annual Meeting with such appointees holding office until the following Annual Meeting but such office shall be deemed to be vacated if the appointment as a representative on the Joint Committee is terminated by their Constitutional Authority or if they cease to be eligible to be a Member of the Joint Committee under the constitutional arrangements applicable to the relevant Constituent Authority

Clerk

13. The Joint Committee shall appoint a Clerk from the Democratic Services Department of Mendip District Council

Meetings and Agenda

14. The Joint Committee shall have a minimum of two Scheduled Meetings per Financial Year
15. Special/emergency meetings may be additionally be summoned as required.
16. A meeting of the Joint Committee may be called
 - a. at such date, time and place at the instance of the Chairman; or
 - b. by a requisition, signed by not less than one half of the representatives of the Joint Committee delivered to the Clerk at least ten working days before the date of the meeting;
 - c. at the instance of the Clerk, if required for emergency, urgent or legislative reasons
17. The Clerk may call additional meetings by providing at least 5 clear days' notice to Members of the Joint Committee, for the purposes of resolving urgent matters that cannot be considered at any Scheduled Meeting.
18. The summons to any meeting shall set out the business to be transacted thereat, and no business other than that set out in the summons shall be considered at the meeting unless by reason of special circumstances, which shall be specified in the minutes. The Chairman of the meeting must be of the opinion that the item should be considered at the meeting as a matter of urgency.
19. A meeting of the Joint Committee shall require a quorum of four Members, one from each Constituent Authority. No business can be transacted at any meeting unless a quorum is present.
20. At every meeting of the Joint Committee, the Chairman, if present, shall preside. If the Chairman is absent the Deputy-Chairman, if present, shall preside. If both the Chairman and Deputy Chairman are absent the meeting shall elect a chairman from one of its representatives.
21. Any Constituent Authority acting through its representative on the Joint Committee may give written notice of an item to be placed on the Agenda of the Joint Committee. All notices of items for agendas must be received by the Clerk not less than fifteen working days prior to the meeting to which the agenda relates.
22. Each of the Constituent Authorities shall be entitled to receive a copy of the Agenda, papers and minutes of the proceedings of the Joint Committee
23. The Clerk shall not less than five clear working days before the intended meeting of the Joint Committee:
 - a. Circulate a notice of meeting to each Member of the Joint Committee, accompanied by a notice of the business to be transacted.
 - b. Publish notice thereof as may be necessarily required by reason of legislation.
24. The Clerk may cancel or postpone any meeting in consultation with the Chairman prior to the issue of the agenda or subsequently if there is no business to be transacted, or in other exceptional circumstances.
25. Meetings of the Joint Committee shall be held on a rotational basis at the offices of the respective Constituent Authorities
26. At every meeting each representative attending shall record such presence on the attendance sheet or other form of record provided by the Clerk.

27. Each Constituent Authority Member shall have one vote on each question to be decided.
28. Subject to the provisions of any enactment and as set out below, all questions coming before or arising at the Joint Committee shall be determined by a show of hands and shall be the subject of a unanimous decision PROVIDED THAT in a situation involving a decision other than a "Major Decision" it shall be possible for the matter to then be referred to a subsequent meeting of the Joint Committee at which the said matter may be determined by simple majority. AND PROVIDED FURTHER THAT in this clause 28 the term "Major Decision" shall include any decision relating to (i) a change of Host Authority is proposed by the Joint Committee or (ii) a variation to the Inter-Authority Agreement relating to the Building Control Partnership, (iii) a change to the constitution, (iv) the setting of the budget, (v) the acceptance of new constituent partners, (vi) the termination of the partnership decisions may only be made by unanimous agreement
29. In the case of an equality of votes the Chairman shall have a second or casting vote.

Business At Meetings

30. The order of business at every meeting shall be:
- a. To approve as a correct record the minutes of the last meeting;
 - b. To dispose of business (if any) remaining from the last meeting;
 - c. To receive and consider reports prepared for the Joint Committee
31. The Chairman shall have discretion to alter the order in which business is taken at the meeting.
32. The Standing Items of Business shall be

Item	Timescale
Appointment of Chair and Deputy Chair	At Annual General Meeting in May each year
Receipt and adoption of the Annual Action Plan and Business Plan	At Annual General Meeting in May each year
Receipt of the six monthly operational performance statistics of the Building Control Service; and Six monthly reviews of the income and expenditure of the Building Control Service	To be reported to each of the Joint Committee meetings each May and November
Receipt and adoption of the Annual Report	At Annual General Meeting in May each year
Confirmation of the Annual Budget set by Constituent Authorities	At Annual General Meeting in May each year
To sign off the Audited Accounts for the previous Financial Year	At Annual General Meeting in May each year
Receipt review and recommendation of the Draft Budget	By 30 November
Review approval and adoption of the Charging Schedule	By 30 November, or if not a working day on the next following working day

Minutes

33. Minutes of every meeting of the Joint Committee or any sub-committee shall be submitted to and signed at the next following meeting of the body concerned with the next meeting of the Joint

Committee being their next following meeting. The Chairman shall put the question that the minutes submitted be approved as a correct record of the meeting in question.

34. No other motion or discussion shall take place upon the Minutes except upon their accuracy. If no such question is raised or if it is raised, then as soon as it has been disposed of, the Chairman shall sign the Minutes.
35. The names of the Members present shall be recorded.
36. The proceedings of the Joint Committee shall not be invalidated by any vacancy among their number or by any defect in the election or qualifications of any Member appointed to the Joint Committee.

Sub Committees

37. The Joint Committee shall be entitled to appoint such sub-committees as it thinks fit.

Referred Decisions

38. Any three or more members of the Board may require any matter, to be referred to the Joint Committee for further consideration and decision, in the event that three or more members of the Board, acting reasonably consider that a decision made by the Board either unfairly prejudices any Constituent Authority or exceeds any delegation to the Board.

Reserved Decisions

39. Reserved Decisions must be referred back to the Constituent Authorities for decision within such timescales as the Joint Committee may by written resolution determine or in the absence of the same, within fifteen weeks
40. The Constituent Authorities acknowledge that any decisions which are inconsistent with any Constituent Authority's budget and/or policy frameworks (without limitation) are Reserved Decisions
41. Any decision of the Joint Committee in relation to a Reserved Decision will not take effect or be deemed to take effect at any time unless and until it has been approved and ratified by all the Constituent Authorities

Attendance by the Public

42. Meetings of the Joint Committee will be open to the public except to the extent that they are excluded under paragraph 43.
43. The public may be excluded from a meeting of the Joint Committee during an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that, if members of the public were present during that item, confidential information as defined in s.100A(3) of the Local Government Act 1972 or exempt information as defined in s.100I of the Local Government Act 1972 would be disclosed to them.
44. The public may attend the meetings of the Joint Committee subject to compliance with the Host Authority's public speaking procedures as set out in the Constitution of the Host Authority
45. The Joint Committee may, from time to time, invite other groups or individuals (including any representatives of the Partner Councils including elected members and any members of Staff) to attend meetings and such invitees shall have no voting rights.

Review

46. The procedural rules of the Joint Committee shall be reviewed annually and may be amended by the Constituent Authorities by simple majority from time to time.

Legal Advisor and Section 151 Officer

47. Save as otherwise provided, the Solicitor to Mendip District Council and the Section 151 Officer of Sedgemoor District Council shall extend their respective functions and responsibilities to the Joint Committee.

Contract Procedure Rules

48. The Joint Committee adopt the Procurement Responsibilities Document and the Contract Procedure Rules of Sedgemoor District Council, as the same may be amended from time to time and authorise the Board to enter into contracts and other arrangements in accordance with the Contract Procedure Rules of Sedgemoor District Council

Financial Regulations

49. The Joint Committee adopt the Financial Regulations of Sedgemoor District Council, as the same may be amended from time to time and authorise the Board to undertake financial transactions, virements and other arrangements in accordance with the Financial Regulations of Sedgemoor District Council

Access to Information

50. The Access to Information Rules in the Constitution of Mendip District Council shall apply.

Contracting Out

51. The Host Authority (for functions which are not Executive functions) or the Joint Committee (in the exercise of Executive functions) may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contacting principles, provided there is no delegation of the Council's discretionary decision making.

