

REPORT OF JENNY CLIFFORD, HEAD OF PLANNING AND REGENERATION

Proposal to form a Building Control Partnership between Mid Devon District Council and North Devon Council.

Cabinet Member: Cllr Richard Chesterton

Responsible Officer: Mrs Jenny Clifford, Head of Planning and Regeneration

Reason for report: The recommendations enable the establishment of the shared services joint committee to facilitate the delivery of the Building Control Service in partnership with North Devon Council.

RECOMMENDATIONS:

1. That a shared services joint committee is established and the building control function reserved to Mid Devon District Council is delegated to it, such delegation of the building control function to the joint committee being limited to no more than enabling the joint committee to:
 - i) Oversee the joint building control team; and
 - ii) Formulate the budget, including any fees and charges, for the joint building control team as a recommendation for approval by each partner authority to the shared services joint committee.
2. That the Head of Planning and Regeneration is given delegated authority to place officers within the Building Control team at the disposal of North Devon Council in accordance with section 113 Local Government Act 1972.
3. That delegated authority is given to the Monitoring Officer, in consultation with the Leader, to:
 - i) Enter into appropriate legal agreements to bring about the shared services joint committee and the joint Building Control team; and
 - ii) Vary the Constitution to provide and record the appropriate delegated authority as set out at 2 above to the Head of Planning and Regeneration.
4. That the Cabinet Member for Planning and Regeneration and the Leader of the Council be appointed to the joint services committee.

Relationship to Corporate Plan: The Corporate Plan contains priorities of homes, community, economy and environment. Collaborative working with another Council over Building Control will enable enhanced delivery of a service that contributes to these priorities. To find efficiencies and to find new and innovative ways of doing things while maintaining excellent public services.

Financial implications: The Joint Committee Agreement sets the financial arrangements for the joint working which will involve the creation of a pooled budget

and a trading account, to be administered by North Devon Council on behalf of both authorities. Contributions to costs will be based on the annual differences in workload between the two authorities while income received from the chargeable functions of Building Control will be apportioned between the two authorities based upon the location of the building control work carried out.

Legal implications: Pursuant to section 101, 102, 112 and 113 of the Local Government Act 1972 (and regulations made under that Act) together with the general power within section 1 of the Localism Act 2011 North Devon and Mid Devon District Councils are able to establish and to participate in a joint committee. Such a joint committee being established to facilitate a partnership to jointly deliver certain of their functions with a view to their more economical, efficient and effective discharge.

To create a joint committee for this purpose it is necessary for both authorities to enter into an agreement recording the agreed functions that will be delegated the joint committee and to establish the constitution of that joint committee.

Any general requirement by the joint building control team for legal, financial or other advice or support can be provided by either authority.

Risk assessment: There is risk associated with all changes to the way we work. The Partnership business case considered by Cabinet on 10th March 2016 contained a risk analysis that shows that after mitigation the risk profile is low.

1.0 INTRODUCTION.

- 1.1 The purpose of this report is to ask approval to agree the formation of a shared services joint committee to facilitate the delivery of the Building Control Service in partnership with North Devon Council.

2.0 THE AGREEMENT.

- 2.1 The legal arrangements necessary to form the partnership are split into two parts.

The first is an agreement to establish the shared services joint committee between North and Mid Devon District Councils pursuant to sections 101(5) and 102(1)(b) of the Local Government Act 1972 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 (hereafter referred to as the Joint Committee Agreement).

The Joint Committee Agreement formally records the joint delegations which both authorities are making to the shared services joint committee in accordance with paragraph 2.1 above, sets the shared services joint committee's Constitution and details the financial arrangements between the two authorities (as further detailed at paragraph 6.1 below).

- 2.2 The second agreement is an agreement for the provision of a joint team which is a separate (but supplemental) agreement to the Joint Committee Agreement. Rather than dealing with the higher level detail of the legal status of the partnership and the structure of the joint working (dealt with by

the Joint Committee Agreement) it relates to the support of the day to day working of the joint building control team. It provides for the establishment of a joint team utilising North Devon Council's premises at Woodlands in South Molton (although does not bind the parties to use this premises) including the procurement and setting up of internet connection, ICT assets and software for the joint team.

- 2.3 The agreement also provides;
- i. A service level agreement for the support of the joint team from ICT staff (which will predominantly be provided by Mid Devon District Council's ICT team, although a link will be provided to North Devon Council's system to allow for access to financial systems for the processing of invoices),
 - ii. A data processing agreement in respect of the processing of personal data by the other partner authority, and
 - iii. For exit management to allow for as seamless a transition as possible in the event that the joint working relationship ends for any reason.

3.0 DELEGATION OF POWERS.

- 3.1 The Joint Committee Agreement records the functions and powers which the two partner authorities are delegating to the shared services joint committee. As provided at paragraph 2.1 above, the Joint Committee Agreement sets out that this shall be limited to the power to oversee the new joint building control team and to formulate the budget (including any fees and charges) for the joint building control team as a recommendation for each partner authority to approve as part of their separate budget setting procedures.
- 3.2 The above delegation of powers to the shared services joint committee is not a full delegation of the building control function. Delegated authority to exercise all the Council's powers under the Building Act 1984 or other regulations there under currently rests with the Head of Planning and Regeneration. It is necessary for Cabinet to revise the delegation of the building control function to this officer to allow her to nominate other officers of both partner authorities to carry out the Council's building control functions. The purpose of doing this is to allow the Head of Planning and Regeneration to formally authorise building control staff to act on behalf of either or both partner authorities, rather than being restricted to their employing authority.

4.0 GOVERNANCE.

- 4.1 The shared services joint committee will have its own Constitution, established by the Joint Committee Agreement, which provides for the appointment of two members from each authority to the joint committee. The quorum of the joint committee will be one member from each authority and there will always be a chairperson and vice-chairperson appointed (the chair nominated from one authority and the vice chair nominated from the other) with the role of chair alternating between the authorities on an annual basis. The chair will have the casting vote in the event of equal votes (provided the matter cannot be deferred for further consideration).

4.2 The support services for the members of the shared services joint committee (including financial, legal and administrative support) will be provided by North Devon Council staff.

5.0 HUMAN RESOURCES.

5.1 No changes are to be made to terms and conditions of service of staff who will remain the employees of their current employing authority. Human Resource support for particular members of building control staff will continue to be provided by the employing authority for that member of staff.

6.0 RESOURCE IMPLICATIONS.

6.1 The project is being delivered within existing budget allocations and is intended to deliver greater service resilience and long term reduction in overheads associated with the service.

Contact for any more information	Mike Tucker, Building Control Manager mgtucker@middevon.gov.uk
Background Papers	Cabinet 10 th March 2016, 29th September 2016 Joint committee agreement for shared services Agreement for the provision of a joint Building Control team
File Reference	None.
Circulation of the Report	Cabinet Member for Planning and Regeneration