



Council

Date 29 July 2013

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Subject: Amendments to the Constitution

Report by:

Chief Executive

Contact Officer:

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Purpose / Summary:

To bring the Constitution up to date

RECOMMENDATION(S):

That Members approve:

- **The inclusion of delegations regarding Building Control**
- **The change of name of the Monitoring Officer**

IMPLICATIONS

Legal: The Council is required by law to prepare and keep up to date the Constitution

Financial : None

Staffing : None

Equality and Diversity including Human Rights : N/A

Risk Assessment : Failure to amend the constitution to reflect changes could lead to a risk of legal challenge and reputational risk for the Council

Climate Related Risks and Opportunities : N/A

Title and Location of any Background Papers used in the preparation of this report:

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

1 Introduction

- 1.1 The Council is required by law to prepare and keep up to date a Constitution which explains how the Council operates, how decisions are made and the procedures which are to be followed to ensure that these are efficient, transparent and accountable to local people.
- 1.2 The Council meeting on 17 June 2013 approved the change to the appointment of the Monitoring Officer, therefore 'housekeeping' amendments are required to reflect that change.
- 1.3 Building Control is a service which operates with minimal involvement from members due to the technical nature of the service. However in order to ensure that when we take formal action which might involve the courts it is essential that the service operates under the proper authority of the council. It is proposed therefore to amend the constitution so that it adequately reflects the activities of the Building Control service.
- 1.4 Changes to the Constitution should be approved by the Governance and Audit Committee prior to submission to full Council, however due to timescales this would not be possible in the near future. Given that the proposed changes are not of a significant nature consultation was undertaken with the Chair and Vice Chairman of the Governance and Audit Committee, and approval given to present the report directly to Council.

2 Next Steps

- 2.1 Further changes will be required in due course following the departure of the Director of Communities and Localism and any future decisions from the Chief Officer Employment Committee. A subsequent report will be submitted for Council approval at the appropriate time.

Director of Regeneration and Planning

Building Control:

1. To carry out all the Council's functions in respect of the necessary statutory provisions related to applications for, and enforcement action under the building regulations and issues relating to the building acts and any other associated legislation, regulations and provisions, including provisions on dangerous buildings, structures and means of escape in case of fire, including power to:
 - a. Inclusively, but not exclusively determine plans, issue completion certificates under the Building Regulations and applications for the relaxation of the Building Regulation requirement concerning means of escape and request for dispensations;
 - b. Serve notices in relation to ruinous and dilapidated property and the proposed demolition of buildings;
 - c. Carry out functions of the Council in relation to dangerous structures and buildings;
 - d. Exercise powers of the Council in relation to accesses and egresses to public and other buildings, and means of escape in case of fire;
 - e. Control the use of private approved inspectors and approved bodies in relation to building regulation matters;
 - f. Discharge the functions of the Council in relation to safety certificates for sports grounds;
 - g. Serve Notices relating to lapse in time for the deposit of plans, requirements for works to be carried out in accordance with approved plans, chimneys, dangerous structures and dilapidated buildings;
 - h. Serve Notices to open up works;
 - i. Authorise action to deal with dangerous excavations; and
 - j. Appointment of Authorised Officers to exercise the powers of entry for the purposes of the Building Acts.
 - k. Exercise powers of the council in respect of Material Sampling and Testing for Conformity in pursuance of Building Regulations Compliance
 - l. To maintain the record of Building Regulations compliance certificate issued by third parties, approved to do so, by the Secretary of State