



Please Contact: Audrey Adnitt
Extension: 203

5 April 2011

NORTH YORKSHIRE BUILDING CONTROL PARTNERSHIP

Wednesday 13 April 2011 at 1.30 pm
Offices of the North Yorkshire Building Control - Easingwold

Agenda

- 1 **Apologies for absence**
- 2 **Minutes of the meeting held on the 23 March 2011** (Pages 1 - 4)
- 3 **Urgent Business**
To receive notice of any urgent business which the Chairman considers should be dealt with at the meeting as a matter of urgency by virtue of Section 100B(4)(b) of the Local Government Act 1972.
- 4 **Declarations of Interest**
Members to indicate whether they will be declaring any interests under the Code of Conduct.

Members making a declaration of interest at a meeting of a Committee or Council are required to disclose the existence and nature of that interest. This requirement is not discharged by merely declaring a personal interest without further explanation.
- 5 **Correspondence received from Hambleton/Richmondshire re: Minute Number 89**
- 6 **Variation to Partnership Governance** (Pages 5 - 10)
- 7 **Any other business that the Chairman decides is urgent.**

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North Yorkshire Building Control Partnership

Held at Offices of the North Yorkshire Building Control - Easingwold
on Wednesday 23 March 2011

Present

Councillors Baker, Bastiman, Cottam, Deans, Duff, Hemesley OBE, Mackman and Phillips

In Attendance

Audrey Adnitt, Mandy Burchell, Les Chapman, Paul Cresswell, Karen Iveson, David Simpson and Denise Hewitt

Minutes

87 **Apologies for absence**

Apologies were received from Councillors Allanson and Mrs Branch, David Archer and Keith Dawson.

88 **Minutes of an Ordinary Meeting of the Partnership held on 22 December 2010 and the minutes of a Special Meeting of the Partnership held on 23 February 2011**

The minutes of the Ordinary Meeting of the Partnership held on the 22 December 2010 and of the Special Meeting of the Partnership held on the 23 February 2011 were presented.

Resolved

That the minutes of the Ordinary meeting of the North Yorkshire Building Control Partnership held on the 22 December 2010 and of the Special meeting of the Partnership held on the 23 February 2011 be approved.

89 **Urgent Business**

The Chairman reported that there was one item of urgent business to be discussed.

The Head of Building Control circulated letters dated 22 March 2010 and received from Hambleton & Richmondshire District Councils, and giving notice of their intention to withdraw from the partnership with effect from the 31 March 2012, and in accordance with clause 15.1 of the Partnership Agreement dated 11 April 2010.

Member's views were sought, and elected Members from Hambleton & Richmondshire were able to confirm:

- a. That the decisions to give notice had been made by the Leaders and Senior Councillors of both authorities, in conjunction with Officers however not at a formal Council meeting; and
- b. That both Councils continued to support the Partnership, but wished to keep the option of an early withdrawal available by giving the notice.

A detailed discussion followed. The members of Hambleton and Richmondshire District Councils confirmed verbally that the decision had been made under the Chief Executive's emergency powers in both cases and as such the letter was legally valid. It was agreed that written confirmation of this to the Head of the Partnership would be provided by the two Authorities.

Resolved

The letters presented be accepted as formal notice from Hambleton District Council and Richmondshire District Council of intention to withdraw from the partnership on the 31 March 2012 and work commence to facilitate the withdrawals with immediate effect.

90 **Declarations of Interest**

No declarations of interest were made.

91 **Revised Budget 2011/12**

The Head of Building Control submitted a report (previously circulated) in order to present Members with details and options for a revised budget for 2011/12 including a further two year recovery plan.

Board members were reminded that at the extraordinary meeting held on the 23 February 2011 it had been resolved:-

1. That the financial performance for the period 1 April 2010 to 31 December 2010 be noted;
2. That the deficit or surplus in 2010/11 or thereafter be shared equally amongst all partners;
3. That the projected deficit and potential additional contributions from partner Councils in 2010/11 be noted and that representatives notify their Councils as appropriate;
4. That Officers identify alternative budget scenarios with associated implications for the Board Meeting to be held on the 23 March to enable a revised budget to be set for 2011/12. This was to include alternative income projections, partnership reserves being restored to a minimum

of £40,000 and a review of the overall cost on the non-chargeable account.

This report had been produced following the extraordinary meeting and provided the information which had been requested. Annex A outlined the Partnership's performance in the current financial year together with the original budget. Annex B set out a base budget for 2011/12 which showed the expected income level for the partnership, and provided details of income and expenditure, and identified further potential savings which could be made.

Members were asked to consider the revised budget options with a view to agreeing a revised budget for 2011/12, and partner Councils were asked to commit to the Building Control Partnership to the 31 August 2016 to enable a period of stability to assist financial planning and recovery.

The report was discussed in detail, but Members were of the opinion that in view of the changed situation, which resulted from the notices received and discussed at this meeting, further work would now need to be undertaken on this budget, to take into account the change in circumstances.

Resolved

That the report be received and the revised base budget be adopted for the financial year 2011/12.

92 Any other business that the Chairman decides is urgent.

There were no other items of urgent business.

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Ryedale District Council

REPORT TO:	North Yorkshire Building Control Partnership Board
DATE:	13 April 2011
REPORTING OFFICER:	Les Chapman Head of Building Control
SUBJECT:	Revisions to Governance

1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek Members' agreement to reduce the number of elected members from two per Council to one.

2.0 RECOMMENDATIONS

- 2.1 To reduce councillor membership from two to one with effect from the Partnership's annual meeting in June 2011.
- 2.2 That the Variation Agreement circulated in Appendix A be circulated to each Council for signature.

3.0 BACKGROUND

- 3.1 The Partnership when first formed in 2001 adopted two members from each Council to act and make decisions on behalf of the Councils. As the Partnership has expanded over the years, this format has continued to operate with presently ten members on the Partnership Board each with an equal vote. The level of Member involvement in the management of the Partnership now appears disproportionate to the risk and with two votes per Council could result in a neutral position for that Council.
- 3.2 At a previous board meeting the issue of governance was raised and Members decided at that time to remain with the current agreement.
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4.0 PROPOSAL

- 4.1** It is proposed to simplify the current governance of the Partnership to one member with one vote per Council. This would eliminate the possibility of creating a neutral position for any one Council. Councils would be expected to appoint a Member together with a substitute at their annual meeting which would ensure a quorum at each board meeting. However, if neither appointee can attend the Council must arrange for an alternative substitute.
- 4.2** By reducing the number of Members it would bring representation into line with risk and provide better use of resources. Appendix A sets out a variation to the present Legal Agreement and should Members agree to the new format for meetings then this agreement will need to be circulated and signed by each Council.

5.0 FINANCIAL IMPLICATIONS

- 5.1** There are no financial implications.

6.0 LEGAL IMPLICATIONS

- 6.1** As set out in the Legal Agreement and Appendix A.

7.0 RISK ASSESSMENT

- 7.1** To ensure effective governance of the Partnership with appropriate Councillor involvement related to risk.

8.0 CONCLUSION

- 8.1** That Members adopt the variation of agreement relating to the governance of the Partnership with effect from the Partnership's annual meeting in June 2011.

OFFICER CONTACT:

Please contact Les Chapman, Head of Building Control on 01347 825760 or email les.chapman@nybcp.org

NORTH YORKSHIRE BUILDING CONTROL PARTNERSHIP AGREEMENT OF VARIATION

THIS AGREEMENT is made the _____ day of _____ 2011

BETWEEN

- (1) **RYEDALE DISTRICT COUNCIL** of Ryedale House Malton North Yorkshire YO17 7HH (“Ryedale”)
- (2) **SELBY DISTRICT COUNCIL** of the Civic Centre Portholme Road Selby YO8 4SB (“Selby”)
- (3) **HAMBLETON DISTRICT COUNCIL** of Civic Centre, Stone Cross, Northallerton, North Yorkshire, DL6 2UU (“Hambleton”)
- (4) **SCARBOROUGH BOROUGH COUNCIL** of The Town Hall St Nicholas Street Scarborough, North Yorkshire (“Scarborough”)
- (5) **RICHMONDSHIRE DISTRICT COUNCIL** of Swale House, Frenchgate, Richmond, North Yorkshire, DL10 4JE (“Richmondshire”) (The parties are hereinafter referred to collectively as “the Councils”)

IT IS HEREBY AGREED as follows:-

1 Definitions and Interpretations

In this Agreement the following words and expressions have the following meanings:

- 1.1 The Agreement means an Agreement dated 1 April 2010 made between the Councils
- 1.2 The clause headings do not form part of this deed and shall not be taken into account in its construction or interpretation.

2 Recitals

- 2.1 This agreement is supplemental to the Agreement
- 2.2 The parties desire to alter the terms of the Agreement as mentioned below

3 Variation

- 3.1 It is mutually agreed that the Agreement shall be varied as follows:
The following replacement shall be made as though it had been contained in the Agreement at the date of execution:

3.1.1 In Clause 1.2 of the Agreement the word 'two' in the first line shall be replaced by the word 'one'

4 Confirmation of the Agreement

Save as modified by this agreement the Agreement shall continue in full force and effect in all respects.

IN WITNESS whereof the parties hereto have executed this Agreement the day and year first before written

THE COMMON SEAL of THE)
HAMBLETON DISTRICT COUNCIL)
was hereunto affixed)
in the presence of:-)

Head of Service – Legal

THE COMMON SEAL of THE)
RYEDALE DISTRICT COUNCIL)
was hereunto affixed and is)
authenticated by:)

Chairman

Council Solicitor

THE COMMON SEAL of)
SELBY DISTRICT COUNCIL)
was hereunto affixed)
in the presence of:-)

Chairman of
the Council

Chief Executive

THE COMMON SEAL of)
SCARBOROUGH BOROUGH)
COUNCIL)
was hereunto affixed)
in the presence of:-)

Head of Service – Legal

THE COMMON SEAL of)
RICHMONDSHIRE DISTRICT)
COUNCIL)
Was hereunto affixed in)
The presence of)

Head of Service – Legal

DATED

2011

RYEDALE DISTRICT COUNCIL

- and -

SELBY DISTRICT COUNCIL

- and -

HAMBLETON DISTRICT COUNCIL

-and-

SCARBOROUGH BOROUGH COUNCIL

-and-

RICHMONDSHIRE DISTRICT COUNCIL

VARIATION AGREEMENT

Relating to the North Yorkshire Building Control Partnership

Anthony Winship
Council Solicitor
MALTON