

GOVERNANCE COMMITTEE

29 JUNE 2015

REPORT OF MONITORING OFFICER

CONSTITUTION UPDATE 2015 16

1.0 PURPOSE OF REPORT

- 1.1 The Committee is requested to consider constitutional items and those approved be referred to the Council for adoption and incorporation into the Council's Constitution.

2.0 RECOMMENDATIONS

- 2.1 To consider the following updates to the Constitution for approval and onward referral to the Full Council for adoption :-

(a) To consider and approve the changes to the 'Arrangements for Site Inspections for Planning Applications' as set out in the report to the Planning Committee at Appendix A which sets out the proposed changes to Appendix 3 of the Site Inspections Protocol. This document sits within the Code of Conduct for Members and Officers dealing with Planning Matters.

(b) To consider and approve a new Officer Delegation to the Head of Central Services in consultation with the Head of Communities and Neighbourhoods being item 73 as follows :-

'In consultation with the Head of Communities and Neighbourhoods to adopt local business rate relief schemes, where it is in the interest of local businesses and the Council to do so, following guidance from Central Government.'

(c) To consider and approve a new Officer Delegation to the Head of Communities and Neighbourhoods being item 84 as follows :-

'To approve the opening of additional toilet facilities for key events in the town centre as designated by Members or additional events where it is considered there is a need that should be filled through the council.'

(d) To consider and approve a transfer of an Officer Delegation no. 17 from the Solicitor to the Council which as follows :-

'17 To administer, effect and make all necessary decisions in respect of the Sale of Council Houses under the Right to Buy Scheme.'

and transfer the above Officer Delegation to the Head of Communities and Neighbourhoods in consultation with the Solicitor to the Council and this be item 85 and read as follows :-

'In consultation with the Solicitor to the Council to administer, effect and make all necessary decisions in respect of the Sale of Council Houses

under the Right to Buy Scheme.'

3.0 KEY ISSUES

3.1 As the Constitution is a living document, any additions or changes are brought to the Committee's attention as soon as these come to light to enable the Council's work to move forward and the Constitution to be as up to date as possible. The Council's Management Team and T3 (Third Tier Officer Group) are involved in updating their respective areas of the Constitution.

3.2 The Committee is to refer its recommendations for amending the Constitution to the Full Council for approval and inclusion in the Constitution.

3.3 Arrangements for Site Inspections for Planning Applications

The 'Arrangements for Site Inspections for Planning Applications' were considered by the Planning Committee at its meeting on 2 April 2015 and the report to that meeting is attached at Appendix A which also include reference to a previous Planning Committee of 19 February 2015 where the matter was initially raised. The recommendations were approved by the Planning Committee as set out in the report. The report includes the proposed changes to Appendix 3 of the Site Inspections Protocol within the Code of Conduct for Members and Officers dealing with Planning Matters.

These amendments are presented for approval by this Committee before referral to the Full Council for adoption.

3.4 New Officer Delegation to the Head of Central Services in consultation with the Head of Communities and Neighbourhoods

A new Officer Delegation to the Head of Central Services in consultation with the Head of Communities and Neighbourhoods is requested to enable officers to introduce any future Business Rate Relief schemes that the Government may initiate as soon as possible.

The proposed delegation to the Head of Central Services to be item 73 and read as follows :-

'In consultation with the Head of Communities and Neighbourhoods to adopt local business rate relief schemes, where it is in the interest of local businesses and the Council to do so, following guidance from Central Government.'

3.5 New Officer Delegation to the Head of Communities and Neighbourhoods

A new Officer Delegation to the Head of Communities and Neighbourhoods is requested to enable flexibility in opening the town's toilet facilities as required for town events etc.

The proposed delegation to be item 84 and read as follows :-

'To approve the opening of additional toilet facilities for key events in the town centre as designated by Members or additional events where it is considered there is a need that should be filled through the council.'

3.6 Transfer of Officer Delegation from Solicitor to the Council to the Head of Communities and Neighbourhoods in consultation with the Solicitor to the Council

The transfer of an Officer Delegation no. 17 from the Solicitor to the Council to the Head of Communities and Neighbourhoods in consultation with the Solicitor to the Council is requested. This request is to be enable the Head of Communities and Neighbourhoods to respond on all matters relating to Council house sales.

The delegation for transfer is as follows :-

'17 To administer, effect and make all necessary decisions in respect of the Sale of Council Houses under the Right to Buy Scheme.'

The proposed transfer of the above Officer Delegation to the Head of Communities and Neighbourhoods in consultation with the Solicitor to the Council and this be item 85 and read as follows :-

'In consultation with the Solicitor to the Council to administer, effect and make all necessary decisions in respect of the Sale of Council Houses under the Right to Buy Scheme.'

4.0 **POLICY AND CORPORATE IMPLICATIONS**

4.1 Due to the Constitution being a living document there are times when amendments are needed to enable the organisation to function efficiently. Therefore items will be referred to the Committee as required.

4.2 The regular reviews and updates to the Constitution and ensuring it is up to date on its decision-making processes supports the Council's priority for being a 'Well run Council'.

5.0 **FINANCIAL AND OTHER RESOURCE IMPLICATIONS**

5.1 Any financial and resource implications will be met from existing resources.

6.0 **LEGAL IMPLICATIONS/POWERS**

6.1 Any change in legislation overrides the current wording of the Constitution and the Monitoring Officer has delegated authority to make amendments as required by the law. Therefore such legal consequential changes will be put in place immediately and reported to the Committee as soon as possible thereafter.

7.0 **COMMUNITY SAFETY**

7.1 There are no community safety implications relating to this report.

8.0 **EQUALITIES**

8.1 Equalities Screening Assessments have been drafted on the items within the report and most items presented relate to the legality of decision-making.

9.0 **RISKS**

9.1 The risks associated with report are considered to relate to following legal and constitutional procedures in decision-making.

9.2

L I K E L I H O O D	A	Very High				
	B	High				
	C	Significant				
	D	Low		1,		
	E	Very Low				
	F	Almost Impossible				
			Negligible 1	Marginal 2	Critical 3	Catastrophic 4

IMPACT

Risk No	Risk Description
1	Decisions challenged due to appropriate processes not being followed.

10.0 CLIMATE CHANGE

10.1 The Constitution is available on the Council's website and electronically to Members and Officers to meet the Council's corporate commitment to meet green targets.

11.0 CONSULTATION

11.1 There has been internal consultation with Management Team and T3 to ensure the Constitution reflects the Council's current responsibilities and arrangements.

12.0 WARDS AFFECTED

12.1 All wards are indirectly affected by this report.

Contact Officer: Angela Tebbutt/Sarah Evans
Date: June 2015

Appendices: A – Planning Committee Report of 2 April 2015 – Site Inspections Protocol

Background Papers: Constitution 2014/15

Reference: X : Committees\Governance\2015 16\290615\Constitution Update 2015 16