

Appendix A – Proposed Changes to the MBC Constitution September 2019

Constitution Reference (Chapter/Part)	Proposed amendment	Reason for change
<u>Delegation to Chief Executive</u>	To incur one-off expenditure to support the needs of the organisation and corporate priorities from earmarked and general reserves up to a limit of £100,000.	There are specific functions which the Chief Executive is responsible for. These functions will need to be sensibly funded in a budget context and this will allow flexibility. He should seek to use budget savings initially rather than automatically drawing upon reserves.
<u>Call In Procedure Rules (10.2)</u>	<p>If Cabinet conclude that the decision is contrary to the Budget and Policy Framework the Cabinet shall reconsider the matter in accordance with the advice of the three officers and the Access to Information Procedure Rules matter shall be referred to Council as the proper decision making body.</p> <p>If the Cabinet do not believe that the decision was contrary to the Budget and Policy Framework then they shall prepare a report to Council. The Council shall meet within 10<u>21</u> days of the request by the relevant Scrutiny Committee.</p>	<p>There was an error in the Rules as Cabinet can not properly reconsider a matter which is outside of the Budget and policy Framework.</p> <p>10 days is not achievable and 21 days is a more realistic target.</p>
<u>Substitute Procedure Rules (1.1)</u>	<p>The Scheme shall apply to the following Committees and their Sub Committees;</p> <ul style="list-style-type: none"> • Planning Committee • Licensing Committee • Employment Committee • <u>Audit and Standards Committee</u> 	Following member feedback, it is proposed that Audit and Standards Committee would allow named substitutes.

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<p>Planning Committee (1.1) Exceptions to Delegations (must be carried out by Planning Committee)</p>	<p>Any application submitted by or on behalf of the Council for its own development, or by a serving Member or Officer of the Council and/or their respective co-habiting partners.</p> <p>Where delegated authority is going to be exercised contrary to material representations and/or letters of objection have been received from more than 10 separate households <u>which are in conflict with the recommendation.</u></p>	<p>This reflects the previous delegations. The deletion of the tracked changes has led to applications being referred to Planning Committee which not previously have been considered and caused capacity issues for Officers and the Committee.</p>
<p><u>Officer Delegation Scheme- Delegation to Monitoring Officer (17)</u></p>	<p>To effect the taking or the grant, renewal, rent assignment, transfer, surrender, review and termination of any leases, licenses, easements, wayleaves, consents and rights in land and buildings, the income from which does not exceed £20,000 per annum or a premium payable does not exceed £20,000 per annum and determine compensation payments in relation to the same</p>	<p>Standard transactions will not be able to be processed flexibly within the current delegation. Those transactions that are contentious or significant would continue to be approved by members and would be published in accordance with the Access to Information Procedure Rules.</p>

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<p>Officer Delegation Scheme</p> <p>Delegation to Monitoring Officer (37)</p>	<p><u>(37) To acquire and dispose of land and properties including</u> the repurchase of former Council houses up to £50,000.</p>	<p>There was an omission within the Officer Delegation Scheme. A financial limit has been included at the request of Audit and Standards Committee.</p>
<p>Financial Procedure Rules (11.3)</p>	<p>Cabinet is authorised to approve transfers from earmarked reserves without limit provided the basis of the use of the reserve is consistent with its original purpose. <u>With regard to general reserves, Cabinet is authorised to draw on these up to a limit of £200k for one off expenditure in any one year in accordance with the requirements of the Access to Information Procedure Rules.</u></p>	<p>This will enable Cabinet to approve funding of a non recurring nature from earmarked and general reserves in order to progress actions that are within the Policy Framework and achieve corporate priorities without the need to hold extraordinary Council meetings.</p>
<p>Council Functions and Procedure Rules</p>	<p>Local Planning and Neighbourhood Planning Functions <u>delegated to Chief Executive Officer in consultation with relevant Portfolio Holder. No exceptions.</u></p>	<p>There was an omission within the Officer Delegation Scheme as no delegations were granted which would not allow statutory deadlines to be met.</p>