

## **AMENDMENTS TO CONSTITUTION**

**EXECUTIVE MEMBER:** Councillor Elaine Woodburn, Leader  
**LEAD OFFICER:** Martin Jepson, Head of Legal and Democratic Services  
**REPORT AUTHOR:** Tim Capper, Democratic Services Manager

**Summary:** Proposes minor changes to the Constitution

<b>Recommendation:</b>	That the changes set out in paras 2.2, 2.3, 3.1, 4.2 and 5.2 be agreed and implemented with immediate effect.
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**Resource Implications:** None

**LA 21 Implications:** None

**Rural Implications:** None

**Crime & Disorder Act  
Implications:** None

### **Key Decision Status**

- **Financial:** No  
- **Ward:** No

**Other Ward Implications:** None

## **1. INTRODUCTION**

- 1.1 This report recommends a number of minor amendments to the Constitution which have come to light since the review agreed by Council on 18 April. They require approval by full Council

## **2. PROPER OFFICER APPOINTMENTS**

- 2.1 Part 3.7 of the Constitution lists functions where the Council is required to designate an officer as the Proper Officer for particular statutory duties. Proper Officer designations require agreement by full Council.
- 2.2 Section 2 of the Local Government and Housing Act 1989 requires a local authority to designate a Proper Officer for the purposes of establishment and maintenance of lists of politically restricted posts. It is recommended that the Chief Executive is designated, with the Head of Legal and Democratic Services as the alternative designated Proper Officer.
- 2.3 It is also recommended that a further addition is made to Part 3.7 to the effect that for any Proper Officer designations not included in the current list, the Chief Executive and the Head of Legal and Democratic Services are designated as Proper Officer and alternative Proper Officer respectively, unless the Council decides otherwise. This will eliminate the need for a separate report to Council for each new designation in future.

### **3. DELEGATIONS TO OFFICERS**

- 3.1 It is recommended that the following changes are made to delegations:

**Service of abatement notices under Section 80 (1) of the Environmental Protection Act 1990**

**Inspection to detect Statutory Nuisances**

**Investigation of Complaint as to existence of any Statutory Nuisance**

**To maintain a register of scrap metal dealers and to determine applications for such registration**

Delete Head of Regeneration – insert Head of Leisure and Environmental Services

**To act as client officer for contracts let for building maintenance**

Delete Head of Regeneration – insert Head of Finance and Business Development

### **4. LICENSING COMMITTEE AND SUB COMMITTEES**

- 4.1 The list of memberships submitted to and approved by Council at the 2006 Annual Meeting inadvertently included fixed memberships of the 4 Licensing Sub Committees. This is inconsistent with the decision of Council on 21 June 2005 to move from fixed memberships to a rota-based membership, so as to enable meetings to be called at short notice and subject to Members' availability, and for the other reasons set out in the report to Council at that time (copy attached).
- 4.2 It is therefore recommended that the membership of each of the Licensing Sub Committees reverts to a rota basis, subject to availability, and that any such sub committee for the purpose of hearings before it is deemed to be appointed by the Licensing Committee under Section 10 of the Licensing Act 2003.

### **5. PORTFOLIO RESPONSIBILITIES**

- 5.1 Since Council agreed revised portfolio responsibilities on 18 April it has been suggested that the following are discreet service areas which should be the specific responsibility of one Portfolio:

**Neighbourhood Management**

**Community Regeneration**

- 5.2 It is recommended that Neighbourhood Management is added to the Deputy Leader's Portfolio as a major project, and that Community Regeneration is included in the Health and Diversity

Portfolio as there are clear links with the lifestyle, social inclusion and equality and diversity responsibilities in that brief.

**List of Appendices**

Report to Council of 21 June 2005

**List of Background Documents:** None

**List of Consultees:** Corporate Team; Leader