

Item 5

REPORT TO COUNCIL

24TH NOVEMBER 2006

REPORT OF CHIEF EXECUTIVE

ARRANGEMENTS FOR REVIEW OF THE CONSTITUTION

1. SUMMARY

- 1.1 The Council's Constitution was adopted on the 24th May 2002 as part of the Council's approach to implementing the Local Government Act 2000. A number of reviews have taken place.
- 1.2 The Constitution itself must necessarily be kept under regular review so as to ensure that it reflects existing law and its operation continues to provide an efficient and effective framework for delivering the Council's aims and objectives. This report is a further review for the purposes of Article 16 of the Constitution.
- 1.3 The recommendations in this report, based on advice from the Council's Monitoring Officer, and following meetings of the Constitutional Review Group, reflect those areas where it is considered appropriate to make some further changes, viz:
 - modifications to the officer delegations at Part 3C : Officer Delegations, made at the request of relevant officers.
- 1.4 Further inclusions and amendments will be proposed within a separate report to Council on 24th November to empower Licensing 2 Committee to exercise the powers of the Licensing Authority in accordance with the Gambling Act 2005 including delegation of some of those powers to officers.

2. RECOMMENDATIONS

- 2.1 That the Council approves the amendments set out in the Appendix and directs the Council's Monitoring Officer:
 - (a) to amend the Constitution accordingly and make all necessary and consequential amendments; and
 - (b) to publish an amended version on the Council's website.
- 2.2 To note the proposal to introduce further amendments relating to the Authority's functions under the Gambling Act 2005.

3. BACKGROUND

- 3.1 Work has already begun in reviewing the Constitution. A number of officers have formed a Constitutional Review Group, headed by the Monitoring Officer,

and its purpose is to consider proposals for change with a view to reflecting the law and improving the efficiency of decision taking within the authority.

- 3.2 Previous reviews are identified in the list of background papers accompanying this Report.

4. LEGAL IMPLICATIONS

4.1 It is intended that these changes shall have immediate effect.

4.2 The principal changes are referred to in paragraph 1.3 above.

5. CONSULTATIONS

5.1 Management Team was consulted on this report on 23rd October 2006 and their views taken into consideration. Standards Committee considered this Report on 2nd November 2006.

5.2 All Departments of the Council have been consulted with regard to the amendments suggested in this report.

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Ward(s)

Key Decision Validation

Background Papers

Reports:

- Council - 16th May 2003
- Council - 26th June 2003
- Standards Committee - 4th November 2003
- Council - 26th November 2003
- Council - 21st May 2004
- Cabinet - 25th November 2004
- Council - 25th February 2005
- Standards Committee - 3rd November 2005
- Council - 25th November 2005
- Standards Committee - 9th February 2006
- Council - 24th February 2006
- Standards Committee - 6th April 2006
- Council - 21st April 2006
- Standards Committee – 5th May 2006
- Council – 19th May 2006
- Standards Committee – 6th July 2006
- Council – 28th July 2006
- Standards Committee – 2nd November 2006

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Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Council's Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Council's S.151 Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PROPOSED CHANGES FOR COUNCIL APPROVAL – 24TH NOVEMBER 2006

Page Reference and Proposed Amendment	Basis for Change
<p>Page 60 – To amend CE36 to read as follows – in substitution:</p> <p>“To incur expenditure considered necessary in response to emergencies as defined by the Civil Contingencies Act 2004.”</p>	Request of Chief Executive.
<p>Page 69 – To add new RS52 as follows:</p> <p>“ Requests to change the legal capacity of parties entering into previously agreed land transactions to be determined by the Valuation and Corporate Property Services Manager in consultation with the Solicitor to the Council.”</p>	Request of the Valuation and Corporate Property Services Manager.
<p>Page 83 – To substitute the text immediately beneath the heading “Food Safety” (NS60) with the following text:</p> <p>“European Communities Act 1972 Regulation (EC) No. 178/2002 – principles of food law. Regulation (EC) No. 852/2004 – general hygiene requirements. Regulation (EC) No. 853/2004 – hygiene requirements for approved premises. Regulation (EC) No. 2073/2005 – microbiological criteria of foodstuffs. Food Safety Act 1990 Products of Animal Origin (Third Country Imports) (England) (No. 4) Regulations 2004 SI 2004 No. 3388 Any regulations, orders and other relevant statutory provisions made under or incorporated into the above including: General Food Regulations 2004 (as amended) Food Hygiene (England) Regulations 2006.”</p>	Request of Inspection and Licensing Services Manager.
<p>Page 91 – To add new NS110 as follows:</p> <p>“Acquisition of new CCTV equipment to be determined by the Head of Community Services in accordance with Cabinet policies agreed from time to time.”</p>	Request by Director of Neighbourhood Services/ Head of Community Services.