

Item 5

REPORT TO

COUNCIL 20TH APRIL 2007

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:
 - changes to Overview and Scrutiny Committees proposed by Overview and Scrutiny Committee 1 on 20th February 2007.
 - changes to the Scheme of Delegation to Officers proposed by the Director of Neighbourhood Services to assist in the implementation of the Health Act 2006.

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.

3. BACKGROUND

- 3.1 Work is ongoing 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 has been consulted on this report on and their views taken into consideration. Standards Committee considered this Report on 5th April 2007.
- 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
- Council – 24th November 2006
- Standards Committee – 8th February 2007
- Council – 27th February 2007

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 type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Council's S.151 Officer or his representative	<input type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input type="checkbox"/>	<input type="checkbox"/>

PROPOSED CHANGES FOR COUNCIL APPROVAL – 20TH APRIL 2007

Page Reference and Proposed Amendment	Basis for Change
<p>Page 11 et seq – Article 6 – Overview and Scrutiny Committees : to rename each of the 3 Committees as follows:-</p> <p>Committee 1: Strategic Leadership Overview and Scrutiny Committee</p> <p>Committee 2: Healthy Borough with Strong Communities Overview and Scrutiny Committee</p> <p>Committee 3: Prosperous and Attractive Borough Overview and Scrutiny Committee</p>	<p>Changes proposed by Overview and Scrutiny Committee 1 on 20th February 2007 – wef 18th May 2007.</p>
<p>Page 93 – Part 3 Responsibility for Functions C – Officer Delegations</p> <p>Further NS delegation [see attached]</p>	<p>Request of Director of Neighbourhood Services.</p>

Further NS Delegation:

No.	Function	Proper/Authorised Officer
NS125	<p>Health Act 2006 The Smoke-Free (Premises and Enforcement) Regulations 2007 The Smoke-Free (Signs) Regulations 2007 The Smoke-Free (Exemptions and Vehicles) Regulations 2007 The Smoke-Free (Penalties and Discounted Amounts) Regulations 2007 The Smoke-Free (Vehicle Operators and Penalty Notices) Regulations 2007</p> <p>Authority to instigate legal proceedings.</p> <p>Authority to:</p> <p>(a) at any reasonable hour, enter any premises (other than premises used only as a private dwelling house not open to the public) considered necessary for the purpose of the proper exercise of functions by virtue of Chapter 1 of Part 1 of the Health Act 2006.</p> <p>(b) to carry out such inspections and examinations as is considered necessary for that purpose.</p> <p>(c) if considered necessary for that purpose, to require the production of any substance or product, and inspect it, and take and retain samples of or extracts from it.</p> <p>(d) to take possession of any substance or product on the premises, and retain it for as long as is considered necessary for that purpose.</p> <p>(e) require any person to give such information or afford such facilities and assistance, as is considered necessary for that purpose. Where necessary, to arrange for any substance, product, sample or extract mentioned in paragraph (c) or (d) to be analysed.</p> <p>(f) To make such purchases and secure the provision of such services as is considered necessary for the purpose of the proper exercise of the functions relating to Chapter 1 of Part 1 of the Health Act 2006.</p> <p>(g) Service of fixed penalty notices.</p>	<p>Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager; Public Health Services Manager.</p> <p>Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager; Public Health Services Manager; Senior Environmental Health Officers; Principal Licensing Officer; Licensing Enforcement Officer; Environmental Health Officer (Public Health); Environmental Control Officers; Environmental Control Assistant; Environmental Protection Officers; Environmental Protection Assistants</p>

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