

Item no.

Report to: **District Council of Easington**
Date: **9th March, 2006**
Report of: **Monitoring Officer**
Subject: **Recommended Amendments to the Constitution**
Ward: **All**

1. **Purpose of the Report**

The purpose of the report is to update the Council's Constitution to reflect changes already made such as the introduction of the new Licensing Committee and to take the opportunity to make minor improvements in terms of clarity.

2. **Consultation**

This report has been prepared following consultation with Management Team.

3. **Proposals**

I have annexed to the report those sections of the Constitution which are affected by the changes. The complete documents runs to several hundred pages and only those sections affected are reprinted in the attachment. One of the improvements is to introduce page numbering and a clearer index to make the document easier to access. I have summarised below the major changes:-

Responsibility for Council Functions

The document is updated to reflect the division of responsibilities between the Development Control and Regulatory Panel and the Licensing Committee formed last year. This is simply a belated amendment to the Constitution itself to reflect decisions already made and operated by Council.

Scheme of Delegations

The headings under the Directorates is amended to reflect that Housing Strategy has for some time fallen within Regeneration and Development and Community Safety within Community Services.

Council Procedure Rules - Submission of Questions or Notices

In order to reflect electronic delivery of services and procedures the Constitution is amended to confirm that questions or notices sent by e-mail will be recognised as equally valid as those submitted in writing.

Procedure for Local Determination of Allegations Against Councillors

This procedure has been amended to reflect advice from the Standards Board that there should be three stages in the determination of any complaint and that the facts of the case should be determined by the Panel before they move on to determine questions as to whether the Code of Conduct had been broken. Our existing procedure adopted only had two stages in the process but it is considered prudent to follow Standards Board guidance.

Access to Information Rules

Parliament has updated the categories of exemption which can be used if it is considered inappropriate for a report to be accessible to the press and public. Those categories follow more closely the restrictions of disclosure of information under the Freedom of Information Act 2000. They also require a balancing test be applied by Officers to determine whether the public interest in open access to information outweighs the public interest in certain material being confidential to protect individuals, businesses or the authority itself. This change was effective from 1st March, 2006 and we now need to amend the Constitution formally to reflect that change.

4. Implications

(i) **Financial**

None

(ii) **Legal**

There is an obligation to keep the Constitution under constant review.

(iii) **Policy**

None

(iv) **Risk**

It is important that the Constitution is kept up to date to minimise any challenge to the legalities of the Council's actions.

(v) **Communications**

An updated version of the Constitution will be displayed on the Council's website.

5. Corporate Implications

(i) **Corporate Plan and Priorities**

None

(ii) **Equality and Diversity**

None

(iii) **E-Government**

The recognition of e-mail is consistent with the e-government policies.

(iv) **Procurement**

None

6. **Recommendations**

The Council is requested to approve the amendments to the Constitution highlighted in capitals on the annexed draft.

Background Papers

Constitution of the District of Easington
Statutory Instruments
Modifying the rights of Access to Information

DT/PH dist/060202
27th February, 2006