

Delegated Decision

11 July 2024

Amendment to the Constitution's Officer Scheme of Delegations, Part 3C, Table 3



Report of Legal and Democratic Services

Helen Bradley Director of Legal and Democratic Services

Electoral division(s) affected:

None.

Purpose of the Report

- 1 To make a minor amendment of the Council's Constitution to correct an inaccuracy located within Part 3C, Table 3.

Executive summary

- 2 Following the annual review of the Council's Constitution in May 2024, Officer Delegations in Part 3C, Table 3 were updated. As part of this review, the reference to the Head of Transport and Contract Services delegation "*To discharge the regulatory and enforcement functions of the Council under legislation relating to highways and road traffic*" was deleted in error. This report seeks to rectify that error by inserting an additional provision to the Head of Transport in Part 3C, Table 3 of the Constitution.

Recommendation(s)

- 3 The Director of Legal and Democratic Services is recommended to exercise delegated powers to make a minor amendment of Part 3C, Table 3 to the Council's Constitution as outlined in Appendix 2 to this report.

Background

- 4 The Council's Constitution at Part 3C, Table 2, para 18 enables the Director of Legal and Democratic Services to amend the Constitution where necessary to correct inaccuracies.
- 5 The Head of Transport and Contract Services has reviewed Part 3C, Table 3, of the Constitution and noted that the reference to "*To discharge the regulatory and enforcement functions of the Council under legislation relating to highways and road traffic*" had been deleted in error.

- 6 Since the Head of Transport and Contract Services requires this delegation to carry out their functions, it is considered that the error can be corrected under delegated powers. In order to rectify the deletion, it is proposed that Part 3C, Table 3 of the Constitution is amended to state that the following matters, are in addition, delegated to the Head of Transport and Contract Services *“To discharge the regulatory and enforcement functions of the Council under legislation relating to highways and road traffic”*.

Decision

- 7 To amend the Council’s Constitution, Part 3C, Table 3, to incorporate the change included in Appendix 2 to this report.

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Appendix 1: Implications

Legal Implications

The proposed amendment will enable the Council to effectively discharge its functions.

Finance

None.

Consultation

None.

Equality and Diversity / Public Sector Equality Duty

None.

Climate Change

None.

Human Rights

None.

Crime and Disorder

None.

Staffing

None.

Accommodation

None.

Risk

None.

Procurement

None.

Appendix 2: Amendment to Part 3C, Table 3 of the Constitution

The following matters are, in addition, delegated to the Head of Transport and Contract Services:

85. To cancel penalty charge notices in respect of parking contraventions under the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007.

86. To exercise the Council's powers under the Traffic Management Act 2004 and Transport Act 2000 to:

(a) issue a penalty charge notice in connection with parking offences and part of the civil parking regime

(b) allow exceptions to normal civil parking enforcement practices where appropriate

87. To authorise the taking of prosecution action applications for blue badge misuse and abuse and to instruct the Director of Legal and Democratic Services, as necessary, to instigate legal proceedings in respect of the Councils powers of enforcement of legislation relating to highways and road traffic.

88. To administer simple and conditional cautions in accordance with PACE and Home Office Guidance to persons guilty of criminal offences under legislation relating to highways and road traffic.

89. To deal with the provision and maintenance of bus stop infrastructure in highways and, if necessary, land abutting highways.

90. To discharge the regulatory and enforcement functions of the Council under legislation relating to highways and road traffic.

91. To undertake non-statutory consultations before implementing proposals to locate bus stop infrastructure, subject to consultation with Highways Committee before exercising this delegated power if there are unresolved representations to such proposals.