

DELEGATED DECISION

LEGAL AND DEMOCRATIC SERVICES



30 July 2018

Amendments to the Constitution to correct inaccuracies

Report of Helen Lynch Head of Legal and Democratic Services

Purpose of the Report

- 1 The Head of Legal and Democratic Services has the authority, under paragraph 50 of Table 7 to the Officers' Scheme of Delegations, to amend the Constitution where necessary to reflect changes in the law or decisions of council bodies or to correct inaccuracies..

Background

- 2 The Constitution was last amended by Council in May 2018. It contains provisions relating to the appointment of officers to various statutory posts at article 9.01(c). It contains provisions allowing for planning matters to be determined by officers if not referred to committee at paragraph 20 of Table 6.

Statutory Officers

- 3 It is proposed to make the following amendments:
 - (i) At 9.01(c) to delete the words "Head of Paid Service, Monitoring Officer, Chief Finance Officer and Scrutiny Officer" and to replace these with "Statutory Officers".
 - (ii) To swap the order of "Data Protection Officer" and "Head of Communication and Information Management" in the ensuing table.
- 4 These changes are necessary because the table refers to more statutory officers than those listed in the text, and the post and designation of the Data Protection Officer have been inserted in the wrong order.

Planning Delegations

- 5 Where the words "a relevant timescale of more than 28 days" appear in paragraph 20 to Table 6, it is proposed to delete them and replace them with "a relevant timescale of more than 35 days".

- 6 This change was made (and approved by Council) to sub-paragraph (a) to paragraph 20 during the last update, but the requirement to update the remaining sub-paragraphs was inadvertently omitted. The change concerns the need for officers to be able to take decisions under delegated powers where statutory timescales are too short to permit of determinations by a planning committee. The new 'permission in principle' statutory timescale is 35 days and so the change is designed to cater for these matters.

Details of any alternative options considered and rejected when making the decision

- 7 The alternative to the Head of Legal and Democratic Services exercising her delegated power under Table 7 would be to refer these matters to Council for a decision. This is unnecessary because the Council has already approved the amendment to the statutory timescale to 35 to provide for permissions in principle. The additional amendments are required for consistency and constitute corrections to an administrative error. It would therefore be disproportionate to request Council approves the amendments in the absence of any substantive changes requiring approval.

Recommendations and reasons

- 8 To make the changes set out above for the reasons given.

Decision

- 9.1 to substitute the words "Statutory Officers" in place of "Head of Paid Service, Monitoring Officer, Chief Finance Officer and Scrutiny Officer" in paragraph 9.01(c) of the Constitution;
- 9.2 to reverse the order of "Data Protection Officer" and "Head of Communication and Information Management" in the table that follows; and
- 9.2 to substitute the words "a relevant timescale of more than 35 days" in place of the existing "a relevant timescale of more than 28 days" wherever those words appear in paragraph 20 of Table 6.

Contact: Laura Renaudon Tel: 03000 269886

Appendix 1: Implications

Finance – none specific within this report

Staffing – none specific within this report

Risk – none specific

Equality and Diversity / Public Sector Equality Duty - none specific

Accommodation – none specific

Crime and Disorder – n/a

Human Rights – none specific to this report.

Consultation – none specific

Procurement – none specific

Disability Issues – none specific

Legal Implications – the Council is obliged to keep its Constitution up to date.