
Proposed amendments to the Constitution
1. Proposed changes concerning committees resulting from amendments to the Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations
Development Control Committee

Page 59 –Amendment to reflect regulations, so that Supplementary Planning Guidance is recommended to Executive Board for approval. Regulations do not class SPG as part of the statutory development plan so SPG is not part of the Local Government Act 2000 policy framework which must be referred to Council.(Development plan documents will continue to be the subject of recommendation by Development Control Committee to Council, with consultation with the Executive Board).

Executive Board

Page 66 –Inclusion of the approval of SPG within the terms of reference of the Executive Board.

Council

Page 25 –Article 4.03 Addition: Power to resolve not to issue a casino premises licence. (Under the Gambling Act 2005 this may not be delegated to the Licensing and Enforcement Committee, and the regulations prohibit this from being an Executive responsibility.)

Add – Enforcement of byelaws

Page 62 – The Regulations have been amended to make it clear the enforcement of byelaws must not be an Executive function. Section F will state that enforcement is to be the function of the relevant regulatory committee or dealt with under officer delegations.

Add –The making of agreements with other local authorities for the placing of staff at the disposal of those authorities

Page 58 – Proposed to delegate this to the Chief Executive

2. Amendments to terms of reference of Audit and Accounts Committee to develop its role in corporate governance
Page 77
Statement of Purpose

The purpose of the Audit and Accounts Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.

Terms of reference

Consider the effectiveness of the authority's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements.

Seek assurance that action is being taken on risk related issues identified by auditors and inspectors

Be satisfied that the authority's assurance statements, including the Statement of Internal Control, properly reflect the risk environment and any actions required to improve it

2. Amendments to terms of reference of Audit and Accounts Committee to develop its role in corporate governance (cont)..

Approve internal audit's strategy, annual work plan and monitor performance

Review a summary of internal audit reports and the main issues arising, and seek assurance that action has been taken where necessary

Receive the annual report of the Head of Internal Audit

Consider those reports of external audit and inspection agencies not the province of the Executive Board in addition to those referred to it by the Executive Board

Ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted

Review the Annual Statement of Accounts, external auditor's opinion and reports to members, and monitor management action in response to issues raised by external audit

To receive any issue referred to it by the Chief Executive or a director, or any Council body

3. Standards Committee

Page 75 - proposed additional standards sub-committee

Now that the Standards Board for England intends to refer the majority of complaints against councillors for local investigation by the Monitoring Officer or her nominee, it is recommended that a sub-committee of three hears cases relating to allegations of misconduct against district councillors. Regulations provide for a quorum of three. To have a committee of 10 dealing with individual cases is expensive and unwieldy. The sub-committee is recommended to be chaired by an independent, and include a district councillor and a parish councillor, with substitutes. Similar arrangements are already in place for the Standards (Parish Councils) sub-committee which deals with complaints against parish council members.

4. Licensing and enforcement committee

Page 73 -The General Licensing sub-committee is no longer needed, and its discontinuance has already been agreed. The reference to it needs removing from the constitution

The number of licensing sub-committees to be reduced to two (A and B) from 5, given the number of hearings has significantly reduced.

The new functions which the Council now has under the Gambling Act 2005 are to be added to the Licensing and Enforcement Committee's functions, and may also be carried out by the two sub-committees.

5. Housing review committee

Page 74 - As agreed at the April council meeting, this committee has now been discontinued and its functions delegated to the Corporate Director- Communities and the Head of Housing and Social Inclusion.

6. Housing Project Board

Article 7 - This is a new Council Overview committee, whose terms of reference and composition were approved at the April Council meeting.

7. Task and finish forums

Article 7.04 An addition is proposed to their terms of reference that where recommendations are made involving expenditure, these should include consideration of how the proposals are to be financed.

8. Portfolios

The proposal is to reduce these from 6 to 5, with minor revisions.

9. Changes to officer delegations

Page 79 -To all Chief Officers, a delegation to carry out all statutory powers and duties, so far as the law permits, relating to the statutory functions in their Directorate remit in the absence of a specific delegation to an officer, portfolio holder or committee.

Page 89 -To the Head of Legal and Member Services, the power to take or defend legal action in the name of the Council. (New delegation no.7 under Corporate Director – Central Services).

Page 90 – New delegation 6- To the Corporate Director-Economy-To carry out officer reviews of council tax and housing benefit decisions in accordance with regulations.

Page 91 – To the Corporate Director –Economy- increase the delegated limit to £3000 (from £1000/£2,500) on all licences and other agreements that are in line with Council policy (delegation 24 to be amended and delete delegations 21 and 23 which have been consolidated in the new delegation.) Authority to grant leases for terms of up to 7 years, where the consideration is less than £10,000 pa (up from £7,000) and after consultation with the relevant Portfolio Holder (Amendment on financial limit only to delegation 27).

Page 95 -To the Corporate Director -Communities, and to individual Environmental Health officers, powers to deal with sounding intruder alarms likely to cause annoyance to those in the vicinity under the Clean Neighbourhoods and Environment Act 2005. (Inclusion of reference to the Act in paragraphs 1, 2, 6.8 and 18 of delegations).

10. Access to information

In consequence of the Access to Information Act, the categories of exempt information where the council has the discretion to exclude the public from committee meetings have been entirely revised, and even if the information falls within one of the categories, the decision to exclude the public is now expressed to be subject to a public interest test. This means that the information is exempt information if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. There are also some qualifications to the exemptions which

mean that various classes of statutory information are not exempt (for example information required to be registered under the Companies Act), and information relating to proposed development for which the local planning authority may grant itself planning permission is not exempt.

10. Access to information (cont)..

The categories for exemption, subject to satisfying the public interest test now are:

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes—
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

There are additional categories of Exempt information in relation to meetings of the Standards Committee or its sub-committees:

- 7A. Information which is subject to any obligation of confidentiality
- 7B. Information which relates in any way to matters concerning national security.
- 7C. The deliberations of a standards committee or of a sub-committee of a standards committee established under the provisions of Part 3 of the Local Government 2000 in reaching any finding on a matter referred under the provisions of section 60 (2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act

Page 126 -These changes will be included in Part 4.2 [Access to Information procedure rules] Rule 10.4.

11. Contract Standing Orders

Minor revisions proposed:

- **1.13** To include requirement that a copy of a signed exemption to Standing orders should go immediately to internal Audit.
- **1.44** Tenderers to be given envelope with orange tender sticker on it
- **1.51** The Member Services Manager, reception and postroom should be advised in advance of the tender and its closing date.
- **1.78** Contract formalities: Chief Executive and Deputy Chief Executive to be alternative signatories to Head of Legal and Member Services for contracts valued at £25,001 to £100,000.

12. Miscellaneous minor amendments

The Constitution will be updated to reflect changes in membership of the Council and officer job titles as appropriate.