

Constitution Updates

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|---------------------------------|--|
| Relevant Portfolio Holder | Cllr Denaro |
| Portfolio Holder Consulted | Yes |
| Relevant Head of Service | Claire Felton, Head of Legal, Equalities and Democratic Services |
| Ward(s) Affected | All |
| Ward Councillor(s) Consulted | N/A |
| Key Decision / Non-Key Decision | Non-key |

1. SUMMARY OF PROPOSALS

- 1.1 Following discussions at the Annual Council meeting, the Constitution Review Working Group was asked to review the Delegations. This has now been carried out as part of the Working Group's ongoing work and this report presents a number of updates for consideration.
- 1.2 The Constitution Review Working Group also considered revisions to the Planning Code of Practice which is included for consideration within this report..

2. RECOMMENDATIONS

Council is asked to resolve that:

- 2.1 The updated Officer Scheme of Delegations is agreed as set out at Appendix 1.
- 2.2 The updated Planning Code of Conduct is agreed as set out at Appendix 2.

3. KEY ISSUES

Financial Implications

- 3.1 There are no financial implications arising directly from this report.

Legal Implications

- 3.2 Review and revision of the Constitution is governed by Article 15 of the Constitution.
- 3.3 Section 101 of the Local Government Act 1972 (as amended) gives a general power to local authorities to discharge functions through officers. Local Authorities are required by the same Act to maintain a list of these, which is referred to as the Scheme of Delegation. This sets out those powers of the Council which can be carried out by officers of the Council.

Service / Operational Implications

- 3.4 The Council's Constitution currently requires that the Officer Scheme of Delegations be approved by Members at the Annual Meeting of the Council.
- 3.5 The Officer Scheme of Delegations is the part of the Constitution that gives authority for certain decisions to be delegated from Council, the executive (Cabinet) or other committees to certain specified officers. It sets out the decisions which are delegated by Council to officers and the decisions which are delegated by the Executive/ Leader to officers. In relation to certain regulatory decisions, the delegation is from Council to the relevant committee, namely Planning Committee or Licensing Committee.
- 3.6 The Scheme of Delegations is regularly altered and updated to reflect changes in the operation of the Council and changes to legislation. Changes have been made by the Monitoring Officer in accordance with the delegation that currently exists to amend the scheme to reflect changes in legislation, job titles and reallocation of functions. Such amendments do not extend the delegations.
- 3.7 The relevant officers were asked to review each specific section of the scheme of delegations and the Constitution Review Working Group considered and agreed a number of amendments, as detailed in appendix 1 attached.
- 3.8 During the course of its work the Constitution Review Working Group also considered proposals in respect of amendments to the Planning Code of Practice
- 3.8 The Constitution Review Working Group continues to meet on a regular basis and is currently reviewing the following areas:
- Call In
 - Scheme of Delegations (it was agreed that this would be a standing item for all future meetings).

Customer / Equalities and Diversity Implications

- 3.9 There are no specific customer or equalities implications arising from this report.

4. RISK MANAGEMENT

- 4.1 The main risks associated with the details included in this report are failure to comply with governance requirements which may expose the Council to the risk of challenge by way of judicial review or appeal which may result in awards of damages and costs against the Council and loss of reputation.

5. APPENDICES

Appendix 1 - Scheme of Delegations to Officers revised September 2018.
Appendix 2 – Planning Code of Conduct revised September 2018

6. BACKGROUND PAPERS

None

7. KEY

None

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