

ITEM 14 Amendments to the Council’s Constitution under Article 14.3

Report of the Corporate Portfolio Holder

Recommended:

That the amendments to the Council’s Constitution as detailed below and shown in the Annex to the report be noted.

SUMMARY:

- The Council’s Constitution (Article 14.3) permits the Monitoring Officer to make changes to the Constitution in certain circumstances subject to reporting those changes to Full Council.
- A number of such amendments have been made to by the Monitoring Officer who now reports these changes to Council

1 Introduction

- 1.1 Article 14.3 permits the Council’s Monitoring Officer to make certain changes to the Council’s Constitution without prior reference to Council subject to reporting those changes to full Council.

2 Background

- 2.1 Since Council approved the amended Constitution on 24 January 2018 the Monitoring Officer has made certain amendments of the type described above and requests that Council notes those changes.

3 Details of amendments

- 3.1 The changes which have been made are as follows:

3.2 Delegations to Head of Community and Leisure (*Page 42 of the Constitution*):-

Under delegation (15), the “Operations Manager for the Cultural Venue of Andover” has been removed as the powers have never been used in practice.

3.3 Delegations to Head of Housing and Environmental Health (*Pages 53 – 61 of the Constitution*)

- 3.3.1 The amendments to this section of the Constitution are detailed in the annex to the report and include amendments to job titles and updating of legislative provisions.

3.4 Delegations to Head of Planning Policy (*Page 71 of the Constitution*)

- 3.4.1 The job titles of three members of the Planning Policy team have been amended, as shown in the Annex to the report, following a minor team restructure.

4 Corporate Objectives and Priorities

- 4.1 Maintaining and improving the Constitution to reflect current legislation and the broader agenda of local government is essential in order to deliver effective and lawful decisions in the day to day implementation of the Corporate Plan.

5 Consultations/Communications

- 5.1 In accordance with Article 14.3 (c) (ii), the amendments were made in consultation with the Corporate Portfolio Holder where required..

6 Option Appraisal

- 6.1 Failure to update the Constitution to reflect current legislation or to ensure clarity in the authority and execution of decision-making could mean that the Council may be subject to legal challenge..

7 Risk Management

- 7.1 A risk assessment has been completed in accordance with the Council's Risk management process and the existing risk controls in place mean that no significant risks (Red or Amber) have been identified, save for the potential for legal challenge.

8 Resource Implications

- 8.1 None save the time of officers in undertaking the necessary changes to the Constitution.

9 Legal Implications

- 9.1 Section 37 of the Local Government Act 2000 requires the Council to keep its Constitution under review.
- 9.2 The amended Scheme of Delegations will ensure that the powers delegated to Officers are clearly and accurately stated. Such clarity and accuracy will ensure that delegated powers are always operated lawfully.

10 Equality Issues

- 10.1 An Equality Impact Assessment of the matters in this report is not required as no potential for unlawful discrimination and/or low level or minor negative impact have been identified.

11 Other Issues

11.1 Community Safety - None

11.2 Environmental Health Issues - None

11.3 Sustainability and Addressing a Changing Climate - None

11.4 Property Issues - None

11.5 Wards/Communities Affected – None specifically

12 Conclusion and reasons for recommendation

12.1 This report details amendments made to the Council's Constitution in accordance with Article 14.3.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
None			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	1	File Ref:	N/A
(Portfolio: Corporate) Councillor Flood			
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Report to:	Council	Date:	27 June 2018