



# GOVERNANCE COMMITTEE

# REPORT

7 September 2011

**Subject Heading:**

AMENDMENTS TO THE  
CONSTITUTION

**Report Author and contact details:**

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Constitutional amendments

**Policy context:**

There are no relevant financial  
implications

**Financial summary:**

**The subject matter of this report deals with the following Council Objectives**

Clean, safe and green borough	<input type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input checked="" type="checkbox"/>

## SUMMARY

1. Part 2 Article 15.02(c) of the Constitution authorises the Monitoring Officer to amend the Constitution to correct errors or to comply with any legal requirement or to reflect organisational changes to the Council's structure, the Monitoring Officer shall have power to amend the Constitution to correct errors or to comply with any legal requirement or to reflect organisational changes to the Council's structure, to insert recommendations made pursuant to a written report agreed by Council, to clarify the Constitution, insert obvious omissions or to comply with any accepted recommendations made by District Audit, the Audit Commission, the Standards Board and/or any other government appointed inspection regime.

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2. Power to clarify the Constitution, insert obvious omissions or to comply with accepted recommendations of external bodies shall only be exercised after first giving five working days' notice to Group Leaders.
3. If the Monitoring Officer makes any such amendment to the constitution, he or she must notify the Governance Committee accordingly at the first reasonable opportunity.
4. Other amendments are dealt with under Part 1 Article 4.02 paragraph (a) of the Constitution, which provides that only the Council will exercise the function of adopting and changing the Constitution.
5. Part 3 Section 1 paragraph 1.2 of the Constitution provides that this Committee will
  - monitor and review the operation of the Constitution to ensure that the views and principles of the Constitution are given full effect
  - make recommendations to the Council about amending the Constitution

### **RECOMMENDATIONS**

Governance Committee recommend to Council the amendments as set out in the body of this report.

### **REPORT DETAIL**

1. In respect of proposed changes to Part 3, Section 4 Functions not to be the responsibility of the Council's Executive (A) Functions relating to Town and Country Planning and Planning Control add paragraph 11A following paragraph 11 on page 124 of the Constitution.

<b>Function</b>	<b>Provisions of Act or Statutory Instrument</b>	<b>Decision Making body</b>
11A Power to issue and serve a discontinuance notice to secure the discontinuance of the use for the display of advertisements of any site which is being so used in contravention of the regulations.	The regulations made pursuant to Sections 220 and 224 of the Town and Country Planning Act 1990, namely The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.	<ul style="list-style-type: none"><li>• Regulatory Services Committee</li><li>• Head of Development &amp; Building Control</li></ul>

2. It is proposed to amend Section 3.7.6(p) of the Constitution which sets out powers delegated to the Head of Development and Building Control to allow

delegation of Temporary Stop Notices without necessitating consultations with the ACE and DS. This will allow the Head of Development and Building Control to serve a Temporary Stop Notice as soon as reasonably practical.

3.7.6 (p) (iv) will be deleted and moved to 3.7.6 (bb) following (aa) as follows

*“(bb) To take any action as necessary to achieve compliance with any case to issue a Temporary Stop Notice.”*

## **IMPLICATIONS AND RISKS**

*There is a **corporate** requirement to set out the implications and risks of the decision sought, in the following areas*

**Financial implications and risks:** There are no specific financial implications

**Legal implications and risks:** There are no relevant legal implications

**Human Resources Implications and risks:**

**Equalities implications and risks:**

## **BACKGROUND PAPERS**

There are none

