

SUBJECT: AMENDMENTS TO CONSTITUTION

Notification No. 10

Date 28 July 2016

Notification of amendments to the constitution

Amendments made by the Monitoring Officer

Part 2, Article 11.02(c) of the constitution provides that the Monitoring Officer has a limited authority to amend the constitution. The Monitoring Officer is authorised 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 Governance Committee must be notified of any such amendment at the first reasonable opportunity.

In accordance with this authority, the Monitoring Officer gives notice of the following amendments to the constitution.

Part and article/ section	Page ref	Substance of amendment / amended wording	Reason for amendment
Part 3 3.5.6(f)	79	Delete existing paragraph 3.5.6 (f) To take deferred payments charges against interests in property in accordance with section 34 Care Act 2014 and associated Regulations and replace with: "To take charges against interests in property in accordance with the following legislation: section 55 of the Health and Social Care Act 2001 and associated Regulations; section 34 of the Care Act 2014 and associated Regulations. To release charges taken (pursuant to the following legislation: section 22 of the Health and Social Services and Social Security Adjudication Act 1983 and associated Regulations; section 55 of the Health and Social Care Act 2001 and associated Regulations; section 34 of the Care Act 2014 and associated Regulations) against interests in property".	The amendments are required to correct an omission to specified statutory powers exercised (to place charges on land to secure care fees) and to provide clarity that the complimentary charge removal functions are also exercisable.

Part and article/ section	Page ref	Substance of amendment / amended wording	Reason for amendment
Part 3, Responsibility for Functions, Appendix A	112	Environmental Health Add the following Enactment : Highways Act 1980 Part IX	To facilitate enforcement of obstruction of highways by A boards by selected environmental health staff as well as waste enforcement staff
Part 3, Responsibility for Functions, Non-Executive Functions, B Licensing and Registration Functions	130 136	Environmental Health Changes of Functions 25 and 73 to 75 (inclusive) relating to scrap metal dealers/collectors for matters to be referred to Lead Member where the matter is contested rather than to Licensing Committee	Home Office have confirmed that the Scrap Metal Dealers Act 2013 is an 'executive' function
Part 3, Responsibility for Functions, Non-Executive Functions, B Licensing and Registration Functions	Various	Environmental Health Changes of Functions 16 to 18, 22, 24, 29 to 34, 36 and 40 to 46 to delete the wording "... with reference as above ..."	Licensing Committee can only have Licensing Act 2003 and Gambling Act 2005 referred to it in cases of dispute.
Part 3, Responsibility for Functions, Non-Executive Functions, B Licensing and Registration Functions	111-116	Trading Standards Remove the need for approval by the relevant Cabinet member to undertake proceedings under legislation marked with the letter 'T'.	Lead Member approval not necessary