



GOVERNANCE COMMITTEE

REPORT

Subject Heading:

MONITORING OFFICER NO 15
AMENDMENTS TO THE
CONSTITUTION

Report Author and contact details:

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Policy context:

Monitoring Officer Amendments to the
Constitution

Financial summary:

These changes are purely procedural and
have no specific financial implications

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 type="checkbox"/>
High customer satisfaction and a stable council tax	<input checked="" type="checkbox"/>

SUMMARY

Part 2 Article 11.02(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 constitution provides that this committee must be notified of any such amendment at the first reasonable opportunity.

RECOMMENDATIONS

That this report be noted.

REPORT DETAIL

The Monitoring Officer has the ability to make limited amendments to the Constitution as set out in the summary above.

As a new Constitution has been adopted with effect from 9th May 2010 the numbering system has commenced again from 01/10.

The meeting of this committee is the first opportunity for the reporting of the most recent amendments made and the committee is requested accordingly to note the amendments made.

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:

These changes are purely procedural and have no specific financial implications.

Legal implications and risks:

The Constitution provides for the Monitoring Officer to make certain amendments to the constitution

Human Resources implications and risks: None

Equalities implications and risks: None

BACKGROUND PAPERS

E-mail correspondence re: amendments

SUBJECT: AMENDMENTS TO CONSTITUTION

Notification No. 15

Date 18th February 2013

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 reference	Substance of amendment / amended wording	Reason for amendment
Part 3.6.2	82	Amend: (I)The Benefits Manager is authorised to lay informations on behalf of the Council before the Magistrates Court and to prosecute or defend all actions before the Court in respect of benefit fraud offences To read: (I) The Council Tax, Internal Audit and Corporate Risk Manager is authorised to lay informations on behalf of the Council before the Magistrates Court and to prosecute or defend all actions before the Court in respect of housing benefit and Council tax support fraud offences	Restructure and Legislation Change
Part 3.6.2	82	To move the following powers from the Head of Customer Services and add to Head of Financial & Procurement after (j) Part 3.7.3 (k) To be responsible for the implementation, management and administration of the Council's prosecution policy in relation to housing benefits and Council Tax fraud.	Restructure and Legislation Change

Part and article/ section	Page reference	Substance of amendment / amended wording	Reason for amendment
		<p>To delete</p> <p>(I) To authorise activity under the Regulation of Investigatory Powers Act 2000.</p> <p>Internal Audit & Corporate Risk Manager is authorised to lay informations on behalf of the Council before the Magistrates Court and to prosecute or defend all actions before the Court in respect of benefit fraud offences</p>	
Part 3.6.2	81	<p>From 1st April 2013</p> <p>Head of Customer Services</p> <p>Replace (g), (h), (h)(i), (k)</p> <p>Housing and Council Tax</p> <p>To Read:</p> <p>Housing Benefit and Council Tax Support</p>	Legislation Change
Part 3.6.2	81	<p>Amend:</p> <p>(h) (v) exercising the Council's discretionary powers in relation to the administration of housing and council tax benefits and discretionary housing payments</p> <p>To read</p> <p>(h) (v) exercising the Council's discretionary powers in relation to the administration of housing benefit and council tax support and (for housing benefit) discretionary housing payments</p>	Legislation Change