



GOVERNANCE COMMITTEE

REPORT

Subject Heading:	MONITORING OFFICER NO 16 AMENDMENTS TO THE CONSTITUTION
Report Author and contact details:	IAN BURNS Acting Assistant Chief Executive, Legal & Democratic Services – 2442
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 checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input checked="" type="checkbox"/>

SUMMARY

1. While the Monitoring Officer has the power to make amendments to the Constitution in certain limited circumstances 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.
2. Part 3 Section 1 paragraph 1.2 of the Constitution provides that this Committee will
 - a. monitor and review the operation of the Constitution to ensure that the views and principles of the Constitution are given full effect
 - b. make recommendations to the Council about amending the Constitution

3. Recent applications of the Constitution have identified a number of areas where small amendments or additions to various delegated powers would assist the delivery of the Council's work.

RECOMMENDATIONS

That the Committee **recommend** to the Council that the amendments set out in the body of this report be adopted.

REPORT DETAIL

Part 3.6.2 Head of Customer Services

Add after (h) (iii) new paragraph (iv) Authorising staff to represent the Council on all matters relating to council tax support appeals in the Valuation Tribunal service

Renumber current (iv) to (v)

Reason for change

Staff, other than solicitors, can appear on behalf of the Council at various Tribunals only if they have been duly authorised to do so. While the Assistant Chief Executive has a general delegation to authorise Council staff to appear in Courts and Tribunals, representation of the Council at the Valuation Tribunal on Council tax support matters will be a specialist task and the Head of Customer Services is best placed to know which staff are suitably knowledgeable and experienced to represent the Council in Tribunal proceedings. It is therefore recommended that the Head of Customer Services is delegated the power to authorise staff in these particular circumstances.

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: There are no relevant HR implications

Equalities implications and risks: There are no relevant equality implications

BACKGROUND PAPERS

There are none