

COUNCIL

24 April 2008

AMENDMENTS TO THE CONSTITUTION

Report of the Head of Legal and Democratic Services

RECOMMENDATIONS

It is recommended:

- (1) That the Constitution be updated to include the amendments contained in Appendix A to this report; and
 - (2) That the Constitution be amended to reflect the changes to the Scrutiny process and the establishment of a new Audit and Risk Management Committee as set out in Appendix B.
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Summary

This report recommends a number of changes to the Council's Constitution which takes into account staffing changes and changes made as part of the scrutiny review.

Statutory Powers

Local Government Act 2000

Introduction

1. The Council's Constitution is periodically updated and this report details a number of amendments that are currently needed.

Scheme of Delegation

2. In January 2007 Council resolved to amend the Constitution to take into account the reallocation of responsibilities following the retirement, and subsequent post deletion, of the Head of Property Services. Some of these responsibilities were transferred to the Commercial Services Manager.
3. It is necessary to review the allocation of these responsibilities again following the Council's reshaping exercise. The proposals are detailed in Appendix A.
4. There are also some minor changes to the wording of the responsibilities to be transferred to the Head of Transportation and Engineering contained in Appendix A due to changes in legislation regarding parking enforcement.

5. These changes in legislation have also resulted in the National Parking Adjudication Service (NPAS) Joint Committee recommending that all Council's carrying out parking enforcement sign up to a new Joint Committee Agreement. NPAS fulfils the functions of parking authorities in providing an adjudication service and is administered through this Joint Committee.
6. On 18 August 2003 the Executive authorised the Head of Legal and Democratic Services to enter into an agreement with the National Parking Adjudication Service. This was essential in order to carry out parking enforcement under the Road Traffic Act 1991.
7. This piece of legislation has now been replaced by the Traffic Management Act 2004 and in order for the Council to use the adjudication service it must enter into a new agreement. The terms of this new agreement are very similar to the previous one with minor amendments primarily to take into account the new legislation and to clarify the functions of PATROL (the new name for the NPAS Joint Committee).
8. It is requested that the Head of Legal and Democratic Services been given additional delegated powers allowing him to enter into such agreements on behalf of the Council as detailed in Appendix A.
9. The Council will be working in partnership with Southampton City Council from 1 April 2008 to deliver a Building Control service. This involves deletion of the Head of Building Control post and its replacement with a Building Control Manager based at Southampton City Council. The Constitution therefore needs to be amended to reflect this as detailed in Appendix A.
10. The responsibilities delegated to the Principal Valuer have been reviewed as the existing delegations were set in 1989 and now need updating to reflect that the market has moved very substantially in the last 19 years. The proposed changes are highlighted in Appendix A.

Scrutiny

11. At its meeting on 25 February 2008, Council approved various changes to the Council's scrutiny process following a review by a working group. As a result, alterations are needed to reflect the new names and responsibilities of the scrutiny panels.
12. As part of the scrutiny review it was also agreed to establish a new Audit and Risk Management Committee. The proposed arrangements for appointment, composition and role on this Committee are attached as Appendix B for approval.

Financial Implications

13. There are no direct financial implications arising from this report.

Risk Management

14. The amendments to the delegated responsibilities referred to in this report need to be made in order that key services within the Council can function effectively.

Conclusion

15. This report seeks to bring the Constitution up-to-date by making alterations to the delegated responsibilities and to include changes made as part of the scrutiny review.

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Appendices Attached: two
Report No

LOCAL GOVERNMENT ACT 1972 – SECTION 100D

The following documents disclose facts or matters on which this report or an important part of it is based and have been relied upon to a material extent in the preparation of this report:

None

