



Council – 28 January 2019

Updates to the Constitution

Purpose of report

This report proposes a number of minor amendments to the Constitution to reflect changes in legislation, council practices or best practice. These include additions to the Scheme of Delegation (Part 3.2) and Code of Practice for Planning Procedures (Part 5.4).

Attachment(s)

Appendix A – Summary of changes

1.0 Background

1.1 The Monitoring Officer has a responsibility to regularly review the Constitution in the light of the changing context in which the council operates, including changes in legislation. A full review of the Constitution was undertaken in 2015 by Internal Audit and the council's legal advisors, LGSS, and a significant number of changes were implemented as a result. A smaller number of changes have been approved since them. Those which propose significant changes to the governance via recommendation from the Governance and Audit Committee; others by direct report to council; and minor administrative changes via the Monitoring Officer under delegated powers. The most up to date version of the Constitution can always be found on the council's website. This report proposed a number of further major and minor changes as outlined in the next section.

2.0 Proposed changes to the Constitution

2.1 Appendix A contains full details of the proposed amendments to the Scheme of Delegation and Code of Practice for Planning Procedures which are summarised below:

2.2 Part 3.2 -Scheme of Delegation – Following the introduction of The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, amendments are proposed to lines 48-50 to allow officers to undertake activities in relation to these regulations.

2.3 Changes are also proposed to line 149 of the Scheme of Delegation to enable relevant Planning Officers to require the provision of information in relation to their respective Planning and Building Control Enforcement roles.

2.4 Part 5.4 - Code of Practice for Planning Procedures – in order to allow the relevant councillor time to prepare to open the debate on a planning application being considered by the Planning Management Committee, it is proposed to add a new section to reflect and formalise the process for selecting the appropriate councillor to lead on an application and confirming that the selected councillor is able to do so in advance.

2.5 It is also proposed to alter the wording of paragraph 5.1.5 to reflect the fact that once a matter or report has been included on a published agenda it can only be withdrawn by consent of the relevant committee. This will formalise previous working practice.

3.0 Privacy Implications

3.1 There are no additional implications as a result of this report.

4.0 Equality and Diversity Implications

4.1 There are no equality or diversity implications arising from this report.

5.0 Legal Implications

5.1 There are no known legal implications arising from the changes proposed in this report.

6.0 Risk Management

6.1 The amendments proposed in this report either reduce the risk caused by time delays in getting authorisation to undertake enforcement activity or by formalising the processes currently in practice to avoid any future lack of clarity.

7.0 Constitutional Implications

7.1 The proposed changes to the Constitution will take effect immediately after the Council approves the amendments.

8.0 Resource and Financial Implications

8.1 There are no additional financial implications associated with this report.

9.0 Customer Services Implications

9.1 There are no new direct customer services implications arising from this report.


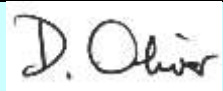
10.0 Corporate Outcomes

10.1 The proposed amendments to the Constitution will contribute to the corporate outcomes of Effective Management by ensuring transparency in decision making and Effective Management by ensuring robust processes are in place to manage the Council's financial management processes.

11.0 Recommendation

11.1 That Council be recommended to approve the Constitution be amended, as set out in Appendix A to this report

[Reason: to ensure that the Constitution continues to provide appropriate guidance on council decision making]

Legal	Power: Various – as noted in the report and appendix				
	Other considerations:				
Background Papers: Constitution of East Northamptonshire Council.					
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Date: 17 January 2019					
CFO		MO 18/01/19		CX 18/01/19	

Text presented ~~thus~~ is to proposed to be deleted

Text presented **thus** is proposed to be added

Part	Section Ref		Comment
3.2 – Scheme of Delegation	48. Animal Welfare Act 2006 Sections 1 – 4: - Introductory: Sections 4 – 8 - Prevention of Harm: Sections 9 – 12 - Promotion of Welfare: Section 13 - Licensing and Registration:	Head of Environmental Services, Environmental Protection Manager, Health Protection Manager, Waste Services Manager, Executive Director; Chief Executive	See Para 2.2 of report
	49 48A. Sections 18 – 21 - Animals in Distress:	Head of Environmental Services, Environmental Protection Manager, Health Protection Manager, Waste Services Manager, Health Protection Officer, Licensing Enforcement Officer, Senior Environmental Protection Officer; Environmental Protection Officers, Senior Environmental Health Officer, Environmental Health Officer, Trainee Environmental Health Officer, Environmental Services Officer, Waste Management Officer	
	50-48B Sections 22 – 29 - Enforcement Powers: Sections 30 – 31 - Prosecutions:	Head of Environmental Services, Environmental Protection Manager, Health Protection Manager, Waste Services Manager, Executive Director; Chief Executive	
	49 Section 51 – Inspectors Section 53 – Powers of entry, inspection and search: supplementary Section 54 – Power to stop and detain vehicles Section 55 – Power to detain vessels, aircraft and hovercraft	Environmental Health Officer and Licensing Enforcement Officer - where the officer has at least one years experience in licensing and inspecting Animal Activities Businesses or has the required qualification.	
	50 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 Power to licence animal activities establishment	Environmental Health Officer and Licensing Enforcement Officer - where the officer has at least one years experience in licensing and inspecting Animal Activities Businesses or has the required qualification.	

Part 3.2 Scheme of Delegation Cont.	Local Government (Misc. Provisions) Act 1976 149 To serve Requisitions for Information (Section 16)	Head of Environmental Services; Environmental Protection Manager; Health Protection Manager; Executive Director; Chief Executive; Waste Services Manager; Senior Environmental Health Officer, Environmental Health Officer; Trainee Environmental Health Officer; Health Protection Officer; Licensing Enforcement Officer; Senior Environmental Protection Officer; Environmental Protection Officer; Environmental Services Officer ; Housing Technical Officer; , Waste Management Officer, Head of Planning Services, Planning Development Manager, Building Control Manager, Principal Planning Enforcement Officer	See para 2.3 of the report
Part 5.4	5.1.5 The Head of Planning Services, in consultation with the Chairman (or in their absence the Vice Chairman) has the discretion to may recommend withdrawal of any planning management item from the agenda of the committee subsequent to the preparation of the report, but prior to discussion by the Planning management Committee, if the circumstances of the consideration of the item change within that period.		See Para 2.5 of the report
	<u>5.4 Consideration of Applications at Planning Management Committee</u> 5.4.1 When applications are considered, the order that will be usually followed is that the relevant officer will introduce the application, highlight key issues and draw attention to any relevant matters on the Update sheet circulated at the meeting. The Chairman of the Committee will then call on any public speakers registered to speak on the application to present their position (see 5.3). Next the Chairman will call on a councillor serving on the Committee to start the debate on the application. This councillor who opens the debate will normally be a relevant ward councillor. However where absence or a conflict of interest occurs then the Chairman may approach an appropriate alternative member of the Committee in advance of the meeting. Confirmation of this role will be confirmed in time for the relevant member of the committee to prepare their opening speech. The Chairman will also return to this member to propose a motion once debate has been finished, if a motion has not proposed prior to that point.		See Para 2.4 of the report