

GENERAL PURPOSES COMMITTEE – 2 JULY 2007  
CHANGES TO THE CONSTITUTION

Function	Proposed amendment	Reason for amendment
Local Choice Function 1(a) – Page 51	<p>Replace the introductory wording in the Membership column (relating to the Staff Appeals Board) to read as follows:-</p> <p>‘Three members from the following panel:- ‘</p>	<p>To reflect the arrangements proposed by the Executive at its meeting on 13 June 2007.</p>
<p>Functions of the Licensing Committee – Page 99</p>	<p>Add the following function:-</p> <p><u>‘The following function is delegated through the Licensing Committee to the Head of Environmental Services:-</u></p> <p>Power to designate an officer of a licensing authority as an authorised person for a purpose relating to premises under Section 304 of the Gambling Act 2005.’</p>	<p>To reflect the requirements of the Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2007.</p>
<p>Functions of the Licensing Committee – Page 99</p>	<p>Add the following:-</p> <p><u>‘The following function is delegated through the Licensing Committee to the Head of Legal Services jointly with the Head of Environmental Services:-</u></p> <p>Power to institute criminal proceedings for offences under Section 342 of the Gambling Act 2005.’</p>	<p>To reflect the requirements of the Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2007.</p>

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Functions of the Licensing Committee – Page 99	<p>Add the following:-</p> <p><u>‘The following function is delegated through the Licensing Committee to the Head of Environmental Services:-</u></p> <p>Power to exchange information under Section 350 of the Gambling Act 2005.’</p>	<p>To reflect the requirements of the Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2007.</p>
Functions of the Licensing Committee – Page 99	<p>Add the following:-</p> <p><u>‘The following function is delegated through the Licensing Committee to the Head of Environmental Services:-</u></p> <p>Power to enforce offences relating to the display of no-smoking signs under Section 6(5) of the Health Act 2006’.</p>	<p>To reflect the requirements of the Local Authorities (Functions and Responsibilities) (England) (Amendment) (No. 2) Regulations 2007</p>
Functions of the Licensing Committee – Page 99	<p>Add the following:-</p> <p><u>‘The following function is delegated through the Licensing Committee to the Head of Environmental Services:-</u></p> <p>Power to enforce offences relating to smoking in smoke-free places under Section 7(4) of the Health Act 2006.’</p>	<p>To reflect the requirements of the Local Authorities (Functions and Responsibilities) (England) (Amendment) (No.2) Regulations 2007</p>

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Functions of the Licensing Committee – Page 99	<p>Add the following:-</p> <p><u>'The following function is delegated through the Licensing Committee to the Head of Environmental Services:-</u></p> <p>Power to enforce the offence of failing to prevent smoking in smoke-free places under Section 8(4) of the Health Act 2006'.</p>	To reflect the requirements of the Local Authorities (Functions and Responsibilities) (England) (Amendment) (No. 2) Regulations 2007
Functions of the Licensing Committee – Page 99	<p>The following function is delegated to the Licensing Committee:-</p> <p>Power to transfer enforcement functions to another enforcement authority under the Smoke-free (Premises and Enforcement) Regulations 2006.</p>	To reflect the requirements of the Local Authorities (Functions and Responsibilities) (England) (Amendment) (No. 2) Regulations 2007
Functions of the Licensing Committee – Page 99	<p>Add the following:-</p> <p><u>'The following function is delegated through the Licensing Committee to the Head of Environmental Services:-</u></p> <p>To appoint authorised officers for the purposes of the :-</p> <p>Smoke-free General Provisions Regulations 2007</p>	To facilitate enforcement of the smoke-free legislation

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	<p>Smoke-free (Exemptions and Vehicles) Regulations 2007</p> <p>Smoke-free (Penalties and Discounted Amounts) Regulations 2007.'</p>	
<p>Functions of the Staff Appeals Board – Page 114</p>	<p>Replace the introduction to the paragraph relating to Membership with the following wording:-</p> <p>'Membership – The Board will consist of the following members from whom three members will be called upon to determine an appeal. The quorum of the Board will, therefore, be three. The Board will be supported by a Senior Human Resources Representative in an advisory role only'</p>	<p>To reflect the arrangements proposed by the Executive at its meeting on 13 June 2007.</p>
<p>Council Procedure Rule 8 – Page 186</p>	<p>Add the following sentence to Rule 8 (Quorum):-</p> <p>'The quorum for the Staff Appeals Board will be three.'</p>	<p>To reflect the arrangements proposed by the Executive at its meeting on 13 June 2007.</p>

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Council Procedure Rule 23.10 – Page 203	<p>Substitute the following wording for Rule 23.10:-</p> <p>‘No petition relating to a matter within the scope of one of the committees of the Council is to be submitted, in the first instance, to the Council unless in the opinion of the chair of the relevant committee or the Head of Democratic Services it is urgent or necessary. Communications, even though addressed to the Council, will be laid before the Chief Executive and the chair of the relevant committee in such cases.</p> <p>The Chief Executive, following consultation with the committee chair and the appropriate Head of Service, will then determine:-</p> <p>(a) whether to refer the petition for consideration at a future meeting of the relevant committee; or</p>	<p>To enable petitions to be dealt with expeditiously and efficiently. Further consideration will need to be given to this Rule as part of the annual review of the Constitution in March, by which time guidance is expected to be available on proposals contained in the Local Government Bill for the introduction of the Community Call for Action.</p>
	<p>(b) that the matter be dealt with by some alternative means. In these circumstances, the petition will be the subject of an item on the Members’ Information Bulletin.’</p>	

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Executive Procedure Rules – Page 236	<p>Add the following text to the Executive Procedure Rules:-</p> <p>‘CONDUCT OF COUNCIL MEMBERS</p> <p>(i) Only one member shall speak at a time</p> <p>A Member when speaking shall address the Chair. If two or more Members indicate a wish to speak, the Chair shall call upon one to speak and the other or others shall wait to be called. Only one member shall speak at a time.</p> <p>(ii) Member not to be heard further</p> <p>If a Member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair or another Member may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.</p>	<p>To mirror the Rules contained in the Council Procedure Rules relating to Council and Committee meetings (but which do not apply to the Executive)</p>
	<p>(iii) Member to leave the meeting</p> <p>If the Member continues to behave improperly after such a motion is carried, the Chair may move that either the Member leaves the</p>	

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	<p>meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.</p> <p>(iv) General Disturbance</p> <p>If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as he/she thinks necessary.</p> <p><b>DISTURBANCE BY THE PUBLIC</b></p> <p>(i) Removal of a Member of the public</p> <p>If a Member of the public interrupts proceedings, the Chair may warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.</p> <p>(ii) Clearance of part of meeting room</p> <p>If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.'</p>	

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Executive Procedure Rule 2.8 – Page 241	<p>Substitute Rule 2.8 with the following:-</p> <p>‘No petition relating to a matter within the scope of the Executive is to be submitted to the Council. Communications, even though addressed to the Council, will be laid by the Chief Executive before the appropriate Portfolio Holder in such cases.</p> <p>The Portfolio Holder, following consultation with the appropriate Head of Service, will then determine:-</p> <p>(a) whether to refer the petition for consideration at a future meeting of the Executive; or</p> <p>(b) that the matter be dealt with by some alternative means. In these circumstances, the petition will be the subject of an item on the Members’ Information Bulletin.</p> <p>Where urgent action is necessary, the provisions of Executive Procedure Rule 1.4 will apply.’</p>	<p>To enable petitions to be dealt with expeditiously and efficiently. Further consideration will need to be given to this Rule as part of the annual review of the Constitution in March, by which time guidance is expected to be available on proposals contained in the Local Government Bill for the introduction of the Community Call for Action.</p>
Financial Procedure Rules – Page 267	<p>Amend Rule 4.2 (f) to provide for the retention of VAT records for 6 years.</p>	<p>To meet document retention requirements</p>



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