

GENERAL PURPOSES COMMITTEE – 30 JUNE 2008
CHANGES TO THE CONSTITUTION

Function	Proposed amendment	Reason for amendment
Contents – Page iii	Add the Corporate Equality Scheme to Part 5 – Codes and protocols	To reflect Government Guidelines
Article 4 – The full Council – Page 16	Delete the “Community Strategy” from the list of Policy Framework Documents and replace with “Sustainable Community Strategy”	To reflect the requirements of the Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008
Article 4 – The full Council – Page 17	Amend the first sentence of paragraph 3 to read: “The function of amending, modifying, revising, varying, withdrawing or revoking a plan or strategy relating to the policy framework, to the control of the authority’s borrowing, investments or capital expenditure, or for determining the authority’s minimum revenue provision , or to housing land transfer shall be the responsibility of the Cabinet where such action:- ...”	Amended wording highlighted in bold. To reflect the requirements of the Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008
Article 4 – The full Council – Page 19	Add the following function of the full Council: “Approval of an allowance for the Mayor and Deputy Mayor other than where the allowance is updated for inflation in accordance with the Budget Strategy”	To reflect the requirements of the Local Authorities (Functions and responsibilities) (England) (Amendment) Regulations 2008 (see also page 136)



GENERAL PURPOSES COMMITTEE – 30 JUNE 2008
CHANGES TO THE CONSTITUTION

Function	Proposed amendment	Reason for amendment
Responsibility for Local Choice Functions – Page 55	<p>Remove the following item from the list of Local Choice Functions:</p> <p>“3. The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under Section 5 (best value reviews) of the Local Government Act 1999”</p>	To reflect the requirements of the Local Authorities (Functions and responsibilities) (England) (Amendment) Regulations 2008
Functions of the General Purposes Committee – Page 123	<p>Add the following functions under ‘functions relating to elections’:</p> <ul style="list-style-type: none"> ▪ “Making a request for single-member electoral areas (relating to Section 14A(1) of the Local Government Act 1992)* ▪ Duty to consult on change of scheme for elections (relating to Sections 33(2), 38(2) and 40(2) of the Local Government and Public Involvement in Health Act 2007) ▪ Power to pass a resolution to change a scheme for elections (under section 32(1), 37(1) or 39(1) of the Local Government and Public Involvement in Health Act 2007)* ▪ Duties relating to publicity (relating to Sections 35, 41 and 52 of the Local Government and Public Involvement in Health Act 2007) <p>This function is delegated to the Head of Legal and Democratic Services</p>	To reflect the requirements of Part 2 – Electoral Arrangements, Chapter 1 – Power of District Councils in England to Change Electoral Scheme, of the Local Government and Public Involvement in Health Act 2007; and the requirements of the Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008

GENERAL PURPOSES COMMITTEE – 30 JUNE 2008
CHANGES TO THE CONSTITUTION

Function	Proposed amendment	Reason for amendment
<p>Functions of the General Purposes Committee – Page 123 (continued...)</p>	<ul style="list-style-type: none"> <li data-bbox="869 347 1659 443">▪ Duties relating to notice to Electoral Commission (relating to Sections 36 and 42 of the Local Government and Public Involvement in Health Act 2007) <li data-bbox="909 483 1570 544">This function is delegated to the Head of Legal and Democratic Services <li data-bbox="869 619 1653 715">▪ Power to alter years of ordinary elections of parish Councillors (relating to Section 53 of the Local Government and Public Involvement in Health Act 2007)* <li data-bbox="869 790 1615 885">▪ Functions relating to change of name of electoral area (relating to Section 59 of the Local Government and Public Involvement in Health Act 2007)* <li data-bbox="819 925 1653 986">*These matters may be considered by the General Purposes Committee but shall be referred to the Council for determination” 	

GENERAL PURPOSES COMMITTEE – 30 JUNE 2008
CHANGES TO THE CONSTITUTION

Function	Proposed amendment	Reason for amendment
<p>Functions of the General Purposes Committee – Page 123</p>	<p>Add the following functions:</p> <p>“Functions relating to a change in governance arrangements:</p> <p>(1) Take decision whether to make a proposal for a change in governance arrangements (relating to Sections 33A and 33B of the Local Government Act 2000)*</p> <p>(2) Duty to consult prior to drawing up proposals (relating to Section 33E(6) of the Local Government Act 2000)</p> <p>(3) Duty to draw up proposals (relating to Section 33E(2) of the Local Government Act 2000)*</p> <p>(4) Duty to comply with direction given by the Secretary of State (relating to Section 33I of the Local Government Act 2000)</p> <p>This function is delegated to the Head of Legal and Democratic Services</p> <p>(5) Take decision whether a change of the kind set out in Section 33A of the 2000 Act should be subject to approval in a referendum under Section 33E(5) of the Local Government Act 2000 *</p>	<p>To reflect the requirements of Part 3 – Executive Arrangements for England; and Schedule 4 of the Local Government and Public Involvement in Health Act 2007; and the requirements of the Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008</p>

GENERAL PURPOSES COMMITTEE – 30 JUNE 2008
CHANGES TO THE CONSTITUTION

Function	Proposed amendment	Reason for amendment
<p>Functions of the General Purposes Committee – Page 123 (continued...)</p>	<p>(6) Duty to hold referendum (relating to Section 33K(2) of the Local Government Act 2000)</p> <p>This function is delegated to the Head of Legal and Democratic Services</p> <p>(7) Duty to publish notice if proposals not approved in referendum (relating to Section 33K(6) of the Local Government Act 2000)</p> <p>This function is delegated to the Head of Legal and Democratic Services</p> <p>(8) Duty to obtain written consent of elected Mayor (relating to Section 33N of the Local Government Act 2000)</p> <p>This function is delegated to the Head of Legal and Democratic Services</p> <p>(9) Duty to implement new governance arrangements (relating to Sections 33G and 33H of the Local Government Act 2000)</p> <p>This function is delegated to the Head of Legal and Democratic Services</p>	

GENERAL PURPOSES COMMITTEE – 30 JUNE 2008
CHANGES TO THE CONSTITUTION

Function	Proposed amendment	Reason for amendment
Functions of the General Purposes Committee – Page 123 (continued...)	<p>(10) To make a change in the form of Executive (relating to Schedule 4 of the Local Government and Public Involvement in Health Act 2007)**</p> <p>*These matters may be considered by the General Purposes Committee but shall be referred to the Council for determination</p> <p>** This matter may be considered by the General Purposes Committee but shall be referred to a meeting of the full Council specially convened for the purposes of deciding the resolution with notice of the object during the permitted resolution period (Local Government and Public Involvement in Health Act 2007, Schedule 4, paragraph 3(4))</p>	
Functions of the General Purposes Committee – Page 123	<p>Add the following functions:</p> <p>“Functions relating to community governance:</p> <p>(1) Duties relating to community governance reviews (relating to Section 79 of the Local Government and Public Involvement in Health Act 2007)*</p> <p>(2) Functions relating to community governance petitions (relating to Sections 80, 83, 84 and 85 of the Local Government and Public Involvement in Health Act 2007)</p> <p>This function is delegated to the Head of Legal and Democratic Services</p>	<p>To reflect the requirements of Part 4 – Parishes, Chapter 3 - Reorganisation, of the Local Government and Public Involvement in Health Act 2007; and the requirements of the Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008</p>

GENERAL PURPOSES COMMITTEE – 30 JUNE 2008
CHANGES TO THE CONSTITUTION

Function	Proposed amendment	Reason for amendment
<p>Functions of the General Purposes Committee – Page 123 (continued...)</p>	<p>(3) Functions relating to terms of reference of review (relating to Sections 81(4) to (6) of the Local Government and Public Involvement in Health Act 2007)*</p> <p>(4) Power to undertake a community governance review (relating to Section 82 of the Local Government and Public Involvement in Health Act 2007)*</p> <p>(5) Functions relating to making of recommendations (relating to Sections 87 to 92 of the Local Government and Public Involvement in Health Act 2007)*</p> <p>(6) Duties when undertaking a review (relating to Sections 93 to 95 of the Local Government and Public Involvement in Health Act 2007)*</p> <p>(7) Duty to publicise the outcome of a review (relating to Section 96 of the Local Government and Public Involvement in Health Act 2007)</p> <p>This function is delegated to the Head of Legal and Democratic Services</p>	

GENERAL PURPOSES COMMITTEE – 30 JUNE 2008
CHANGES TO THE CONSTITUTION

Function	Proposed amendment	Reason for amendment
<p>Functions of the General Purposes Committee – Page 123 (continued...)</p>	<p>(8) Duty to send two copies of the order to the Secretary of State and Electoral Commission (relating to Section 98(1) of the Local Government and Public Involvement in Health Act 2007)</p> <p>This function is delegated to the Head of Legal and Democratic Services</p> <p>(9) Making an order giving effect to recommendations made in a community governance review (under Section 86 of the Local Government and Public Involvement in Health Act 2007)*</p> <p>(10) Power to make agreements about incidental matters (relating to Section 99 of the Local Government and Public Involvement in Health Act 2007)*</p> <p>*These matters may be considered by the General Purposes Committee but shall be referred to the Council for determination”</p>	
<p>Responsibility for Cabinet functions – Page 132</p>	<p>Delete the “Community Strategy” from the list of Policy Framework Documents and replace with “Sustainable Community Strategy”</p>	<p>To reflect the requirements of the Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008</p>

GENERAL PURPOSES COMMITTEE – 30 JUNE 2008
CHANGES TO THE CONSTITUTION

Function	Proposed amendment	Reason for amendment
Responsibility for Cabinet functions – Page 133	<p>Amend the first sentence of paragraph 3 to read:</p> <p>“The function of amending, modifying, revising, varying, withdrawing or revoking a plan or strategy relating to the policy framework, to the control of the authority’s borrowing, investments or capital expenditure, or for determining the authority’s minimum revenue provision, or to housing land transfer shall be the responsibility of the Cabinet where such action:-</p>	<p>Amended wording highlighted in bold.</p> <p>To reflect the requirements of the Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008</p>
Responsibility for Cabinet functions – Page 136	<p>Include the following to the list of Council powers and duties NOT allocated to the Cabinet:</p> <p>“passing a resolution to make a change in alternative governance arrangements under Section 33F of the Local Government and Public Involvement in Health Act 2007”</p>	<p>To reflect the requirements of the Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008</p>
Responsibility for Cabinet functions – Page 136	<p>Include the following to the list of Council powers and duties NOT allocated to the Cabinet:</p> <p>“Approval of an allowance for the Mayor and Deputy Mayor other than where the allowance is updated for inflation in accordance with the Budget Strategy”</p>	<p>To reflect the requirements of the Local Authorities (Functions and responsibilities) (England) (Amendment) Regulations 2008</p> <p>(see also page 19)</p>

GENERAL PURPOSES COMMITTEE – 30 JUNE 2008
CHANGES TO THE CONSTITUTION

Function	Proposed amendment	Reason for amendment
<p>Environmental matters delegated to Cabinet Members and officers – Page 143</p>	<p>Include the following delegations:</p> <ul style="list-style-type: none"> ▪ <u>“The following function is delegated to the Portfolio Holder for Environmental Services:-</u> Approval of the Health and Safety Service Plan ▪ <u>The following function is delegated to the Portfolio Holder for Environmental Services:-</u> Approval of criteria for the prioritisation of community safety improvement schemes and a programme for implementation of the schemes, subject to the proposals being achievable within the limits of the approved financial budget. ▪ <u>The following function is delegated to the Head of Planning Services:-</u> To agree detailed Community Safety Improvement Schemes for the purposes of public consultation. ▪ <u>The following function is delegated to the Portfolio Holder for Environmental Services, in consultation with the Head of Environmental Services:-</u> Approval of the Food Service Plan“ 	<p>Additional delegations</p>

C10

GENERAL PURPOSES COMMITTEE – 30 JUNE 2008
CHANGES TO THE CONSTITUTION

Function	Proposed amendment	Reason for amendment
Housing matters delegated to Cabinet Members and officers – Page 157	<p>Include the following delegations:</p> <ul style="list-style-type: none"> ▪ <u>“The following function is delegated to the Portfolio Holder for Housing:-</u> Approval of amendments to the Discretionary Rent Relief management policy. ▪ <u>The following function is delegated to the Portfolio Holder for Housing (in consultation with the Leader and the Head of Finance):-</u> Authority to determine claims for compensation in respect of the housing benefit service. “ 	Additional delegations
Planning matters delegated to Cabinet Members and officers – Page 166	<p>Include the following delegation:</p> <ul style="list-style-type: none"> ▪ <u>“The following function is delegated to the Leader and the Cabinet Member for Planning and Economic Development, in consultation with the Head of Finance:-</u> Approval of the utilisation of the planning delivery grant and the housing and planning delivery grant. “ 	Additional delegation

GENERAL PURPOSES COMMITTEE – 30 JUNE 2008
CHANGES TO THE CONSTITUTION

Function	Proposed amendment	Reason for amendment
<p>Property matters delegated to Cabinet Members and officers – Page 169</p>	<p>Include the following delegations:</p> <ul style="list-style-type: none"> ▪ <u>“The following function is delegated to the Leader, in consultation with the Head of Property Services and Procurement and the Head of Finance :-</u> <p>Authority to approve the transfer of residual land on terms proposed by the Head of Property Services and Procurement, subject to the spending limits set out in Financial Regulation 3 not being exceeded and the proposals being achievable within the limits of the approved financial budget.</p> <ul style="list-style-type: none"> ▪ <u>The following function is delegated to the Leader in consultation with the Head of Property Services and Procurement and the Head of Finance (after consulting local Ward Members):-</u> <p>Disposal of the Council’s interest in land or property on terms proposed by the Head of Property Services and Procurement, where</p> <ul style="list-style-type: none"> - the market value of the interest is more than £10,000 but does not exceed £500,000 in the case of an individual plot (or £750,000 in the case of more than one plot) ;and - the highest offer is to be accepted; and - the offer is equal to, or more than, the estimated value of the site 	<p>Additional delegations</p>

GENERAL PURPOSES COMMITTEE – 30 JUNE 2008
CHANGES TO THE CONSTITUTION

Function	Proposed amendment	Reason for amendment
Property matters delegated to Cabinet Members and officers – Page 169 (continued...)	<ul style="list-style-type: none"> ▪ <u>The following function is delegated to the Leader (in consultation with local Ward Members):-</u> Determination of applications for landlord’s consent, except where the intention is to approve an application and one or more Ward Members raise objections to the proposal (in which case the application will be referred to the Cabinet).“ 	
General matters delegated to Cabinet Members and officers – Page 180	<p>Include the following delegations:</p> <ul style="list-style-type: none"> ▪ <u>“The following function is delegated to the Leader:-</u> To receive a report on any overspend on a scheme, subject to the virement and other spending limits set out in Financial Regulation 3 not being exceeded in which case the matter should be referred to the Cabinet. ▪ <u>The following function is delegated to the Leader, in consultation with the Head of Finance:-</u> Authority to approve the use of any underspend on a capital scheme, up to a total value of £75,000, on further work associated with the scheme during the same financial year, subject to the Council not being committed to expenditure in future years above the existing budgetary provision. <p>This amendment would require revision of Financial Procedure Rule 3.</p>	Additional delegations

GENERAL PURPOSES COMMITTEE – 30 JUNE 2008
CHANGES TO THE CONSTITUTION

Function	Proposed amendment	Reason for amendment
<p>General matters delegated to Cabinet Members and officers – Page 180 (continued...)</p>	<ul style="list-style-type: none"> <li data-bbox="869 347 1626 512"> <p>▪ <u>The following function is delegated to the Leader:-</u></p> <p>The approval of the writing off of irrecoverable debts exceeding £2,500 but not exceeding £50,000, in accordance with the agreed protocol for debt collection.</p> <li data-bbox="869 584 1592 719"> <p>▪ <u>The following function is delegated to the Leader:-</u></p> <p>Approval of revisions to the anti-fraud and corruption strategy.</p> <li data-bbox="869 791 1648 1123"> <p>▪ <u>The following functions are delegated to the Leader (in consultation with the Head of Finance) :-</u></p> <p>(1) Authority to appoint an external fund manager for the purposes of managing the Council’s investment portfolio .</p> <p>(2) Authority to review the performance of external fund managers in managing the Council’s investment portfolio and to agree to the liquidation of the portfolio of an external fund holder in appropriate circumstances.</p> 	

GENERAL PURPOSES COMMITTEE – 30 JUNE 2008
CHANGES TO THE CONSTITUTION

Function	Proposed amendment	Reason for amendment
<p>General matters delegated to Cabinet Members and officers – Page 180 (continued...)</p>	<ul style="list-style-type: none"> <li data-bbox="869 316 1653 379">▪ <u>The following function is delegated to the Leader and the appropriate Portfolio Holder:-</u> The establishment of partnership bodies involving Council Members and stakeholders to assist the Council in strengthening the delivery of its services by way of consultation. <li data-bbox="869 619 1599 651">▪ <u>The following functions are delegated to the Leader:-</u> (1) Following consultation, the identification and submission of the Council's key priorities as preferred options for inclusion in the local area agreement. (2) Authority to agree the structure and procedure, and to take part in the discussions and decision making processes of the Local Area Agreement insofar as they accord with the principles and outcomes identified and align with the furtherance of the Council's corporate plan, policies and objectives. Decisions relating to matters outside of these parameters can be made where constitutionally they are delegated to the Leader, whilst all others will be deferred to the Cabinet or Council as appropriate. 	

GENERAL PURPOSES COMMITTEE – 30 JUNE 2008
CHANGES TO THE CONSTITUTION

Function	Proposed amendment	Reason for amendment
<p>General matters delegated to Cabinet Members and officers – Page 180 (continued...)</p>	<ul style="list-style-type: none"> ▪ <u>The following function is delegated to the Leader:-</u> Authority to approve the granting of a licence for advertising units in the town centre and on the neighbourhood shopping parades, subject to planning permission, and to agree the terms of the contract. ▪ <u>The following function is delegated to the Leader (except where the complaint relates to the Leader’s Portfolio, in which case the following function will be delegated to the Portfolio Holder for Continuous Improvement and Development):-</u> Local settlements, where appropriate, of over £500 (but not in excess of £2,000) in the case of complaints to the Ombudsman or under the Council’s own complaints procedure.“ 	
<p>Council Procedure Rules – Page 211</p>	<p>Amend paragraph 14.16 to read as follows: “Each recommendation of the Cabinet will be moved in turn by the Leader. After the recommendation has been moved and seconded the Council may debate this recommendation provided that the item has been identified as an item for debate under Council Procedure Rule 2.1 (xiv)”</p>	<p>Amended wording highlighted in bold. To reflect Council Procedure Rule 2.1 (xiv).</p>

GENERAL PURPOSES COMMITTEE – 30 JUNE 2008
CHANGES TO THE CONSTITUTION

Function	Proposed amendment	Reason for amendment
Policy Framework Procedure Rules – Page 245	Delete the “Community Strategy” from the list of Policy Framework Documents and replace with “Sustainable Community Strategy”	To reflect the requirements of the Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008
Policy Framework Procedure Rules – Page 246	Amend the first sentence of paragraph 2 to read: “The function of amending, modifying, revising, varying, withdrawing or revoking a plan or strategy relating to the policy framework, to the control of the authority’s borrowing, investments or capital expenditure, or for determining the authority’s minimum revenue provision , or to housing land transfer shall be the responsibility of the Cabinet where such action:-	Amended wording highlighted in bold. To reflect the requirements of the Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008
Cabinet Procedure Rules – Page 263	Add the following to the responsibilities of the Cabinet Member for Planning and Economic Development: “Heritage Strategy (the Strategy will fall within the responsibilities of several Portfolio Holders, however the Cabinet Member for Planning and Economic Development will provide a co-ordinating role)”	Additional responsibility
Codes and Protocols – Page 467 (before the Corporate Governance Statement)	Include the Council’s Corporate Equality Scheme in the Constitution	To reflect Government guidelines