

CHANGES TO THE CONSTITUTION

Function	Proposed amendment	Reason for amendment
Article 7 – The Leader and Cabinet – Page 26 (Ann-Maria Brown)	Amend Article 7 as detailed in Appendix B1.	To clarify current procedure. Amended wording in bold.
Scheme of Delegation - Terms of Reference: General Conditions – Page 53 (Ann-Maria Brown)	Amend the Terms of Reference as detailed in Appendix B2.	To maintain good practice and for the purposes of clarification. Amended wording in bold. Deleted wording shown as crossed through.
Functions of the Development Control Committee – Page 84 (Mark Dow)	Amend function 17 to read as follows: “(17) Power to require proper maintenance of land under Section 215(1) of the Town and Country Planning Act 1990 <u>The following function is delegated to the Head of Planning and Environmental Services or the Head of Strategic Housing and Planning Services</u> Power to require proper maintenance of land	To permit Private Sector Housing Officers based within the Housing Options Team to take effective enforcement action against the owners of empty homes and return them to use.



Function	Proposed amendment	Reason for amendment
	<p>The following function is delegated to the Head of Legal and Democratic Services, or the Head of Planning and Environmental Services or the Head of Strategic Housing and Planning Services To serve notices under Section 215 of the Town and Country Planning Act 1990 on owners of waste land”</p>	<p>Amended wording in bold.</p>
<p>Council Procedure Rules – Page 215 (Ann-Maria Brown)</p>	<p>Amend the Council Procedure Rules as detailed in Appendix B3.</p>	<p>To ensure that the Council fulfils its statutory duties.</p> <p>Amended wording shown in bold.</p> <p>Deleted wording shown as crossed through.</p>

EXCERPT FROM ARTICLE 7 – THE LEADER AND CABINET

7.8. Role of Cabinet Members

The role of Cabinet Members shall be as follows:-

- (1) To be the advocate of policies within his/her portfolio;
- (2) To provide strong and fair leadership and clear political guidance;
- (3) To be politically accountable to the Council for overseeing the effective implementation of policies and strategies which fall within his/her portfolio;
- (4) To work with the Leader and other Cabinet Members in order to initiate and develop corporate strategies and policies which the majority group(s) wish(es) to pursue;
- (5) To keep himself/herself informed of any significant underspends/ overspends in the budgets for which his/her portfolio is responsible;
- (6) To promote the interests and image of the Council;
- (7) To contribute towards achieving the Corporate Plan objectives as embodied in the Council's Vision Statement;
- (8) To exercise collective responsibility for decisions of the Cabinet;
- (9) To make decisions as delegated under the Council's Constitution **and to take day-to-day decisions relating to a matter within the remit of his or her portfolio responsibilities including executive decisions that have been delegated to him/her subject to the following:-**
 - (a) **The Cabinet Member shall comply with the requirements of Article 13 of this Constitution relating to decision-making and Rule 20 of the Access to Information Rules and any other relevant Procedural Rules contained in the Constitution.**
 - (b) **A Cabinet Member may refer any matter within their portfolio to the Cabinet for a decision.**

7.9. Proceedings of the Cabinet

Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules set out in Part 4 of this Constitution.

7.10. Responsibility for Functions

The Leader holds all responsibility for Cabinet functions and determines the Scheme of Delegation for the discharge of Cabinet functions. The Leader will determine which Cabinet functions are to **be** exercised by:

- (1) Him/herself;

- (2) The Cabinet as a whole;
- (3) A Committee of the Cabinet;
- (4) **An individual Member of the Cabinet;**
- (5) An employee;
- (6) An Area Committee;
- (7) Joint Arrangements;
- (8) Another Local Authority.

The Leader will maintain a list in Part 3 of this Constitution setting out which individual **Members** of the Cabinet, Committees of the Cabinet, employees, Area Committees, Joint Arrangements or other authorities are responsible for the exercise of particular Cabinet functions.

The Leader of the Council has allocated portfolio responsibility to individual Cabinet Members. Full details of their responsibilities are set out in this Constitution in Part 4 - Rules and Procedures – Leader and Cabinet Procedure Rules.

SCHEME OF DELEGATION – TERMS OF REFERENCE: GENERAL CONDITIONS

SCHEME OF DELEGATION - TERMS OF REFERENCE: GENERAL CONDITIONS

1. All matters delegated to the Cabinet, **individual Cabinet Members**, Committees and employees shall be exercised in accordance with (a) the Council's Constitution and (b) any agency agreement or scheme.
2. No expenditure shall be incurred unless it is (a) provided for in estimates, (b) in accordance with any policy or directive of the Council or Cabinet and (c) in accordance with any annual or standing contract.
3. In the case of matters delegated to employees where any matter involves professional or technical considerations not within the sphere of competence of the employee concerned, he/she will consult with the appropriate professional or technical employee before ~~authorising action~~ **exercising powers under the Scheme of Delegation.**
4. In lieu of exercising his/her delegated powers, an employee may refer the matter **in writing** to a Director, to the Cabinet or to the appropriate Committee, ~~in writing~~ which shall then have the delegated power to determine the issue on behalf of the Council.
5. In lieu of exercising its delegated powers, a Committee (but not the Cabinet) may decide to refer a matter to Council. The Cabinet shall not exercise its delegated powers when a decision has been called-in in accordance with the Scrutiny Procedure Rules contained in the Council's Constitution.

The Licensing Committee (or, as provided in the **Scheme of Delegation**, its Sub-Committee) shall exercise all functions under the Licensing Act 2003 other than the determination, publication and review of the Council's Licensing Policy Statement and any consultation on the creation or review of the policy unless the Licensing Committee is prevented from carrying out its functions under the Act by virtue of legislation, statutory guidance or constitutional rules concerning interests, political balance or the quorum of the Committee.

6. In the absence of the appropriate Cabinet Member, or at the Cabinet Member's request, the Leader may decide to determine a Cabinet function delegated to a Cabinet Member him/herself or refer the matter to the Cabinet or a Committee of the Cabinet.
7. **In managing the service all Directors and Heads of Service shall be authorised in their discretion to exercise such powers as may be provided by the relevant legislation including the service or receipt of notices, the making of agreements, the making, revoking or amending of orders, the authorisation of any action and the authorisation of named employees to enforce specific powers.**

8. **To facilitate the scrutiny of decisions made under delegated authority, any employee dealing with a matter under a delegated authority shall keep an adequate record of the exercise of that power.**
9. Reference in the scheme to the exercise of a power by a Head of Service includes reference to an employee acting in accordance with arrangements made by that Head of Service in writing for the organisation and management of his/her service area.
10. Day-to-day operational decisions relating to the management of a service area shall be the responsibility of ~~the~~ **Directors and** Heads of Service.
11. Reference to a statutory provision includes any amendments, re-enactment or subordinate legislation thereof.

(NB. The Leader holds all responsibility for Cabinet functions and determines the Scheme of Delegation for the discharge of Cabinet functions. The Leader will determine which Cabinet functions are to be exercised by him/her personally and which are to be exercised by the Cabinet, Cabinet Committees, individual Cabinet Members, employees, Area Committees, Joint Arrangements or another Local Authority. This Part of the Constitution reflects the Leader's current delegation of those functions.)

EXCERPT FROM COUNCIL PROCEDURE RULES

2.2. Majority Vote to Continue(a) Interruption of the Meeting

If the business of the meeting has not been concluded within two and a half hours, unless the majority of Members present vote for the meeting to continue **for a period not exceeding 30 minutes (only in exceptional circumstances, and following the meeting's initial extension, would consideration be given to extending the meeting by further periods not exceeding 30 minutes)**, the following procedure will be implemented.

(b) Motions and Recommendations Not Dealt With

If there are any other motions or recommendations on the agenda that have not been dealt with within the two and half hours, **or at the expiry of any agreed extension**, they are deemed formally moved and seconded (together with any amendments). No speeches will be allowed on these items and the vote will be taken in the usual way.

When the Council is statutorily required to reach a decision about any matter before a specific date, then the meeting considering the matter shall continue until such decision is reached irrespective of the expiry of two and half hours or an agreed extension to the meeting, if not to do so would result in a breach of that requirement or, on the advice of the Monitoring Officer (or his or her deputy), would lead to undue expenditure and delay.

(c) Recorded Vote

If a recorded vote is called for during this process, it will be taken immediately.

(d) Motions Which May Be Moved

During the process set out above, the only other motions which may be moved are that a matter be withdrawn or referred to an appropriate body or individual for decision or report.

(e) Close of the Meeting

When all motions and recommendations have been dealt with, the Mayor may declare the meeting closed.