

**SUBJECT: PROPOSED AMENDMENTS TO THE CONSTITUTION**

**DIRECTORATE: CHIEF EXECUTIVE & TOWN CLERK**

**LEAD OFFICER: BECKY SCOTT, LEGAL & DEMOCRATIC SERVICES MANAGER**

## **1. Purpose of Report**

- 1.1 To propose changes to the Council's Constitution in respect of delegated authorities.

## **2. Power to Amend Constitution**

- 2.1 The Monitoring Officer has a duty to review the Constitution and make any necessary changes to it.

## **3. Proposed Changes**

- 3.1 Officers have compiled the proposed changes to the Constitution relating to delegated authorities and these are outlined in the attached tracked change document at Appendix A.
- 3.2 The reasons for the majority of the proposed changes are to re-align the responsibilities for private housing and housing with their appropriate Assistant-Directors in accordance with their responsibilities and reflect changes in the Council's structure. This includes the transfer of responsibilities for the Public Protection and Anti-social Behaviour team which will move from the AD (Communities and Street Scene) to the AD (Health and Environment) which is due to take place on Monday 11<sup>th</sup> December 2017. These specific responsibilities will therefore be implemented as at that date.
- 3.3 The amendments also incorporate new powers recently introduced in legislation which officers wish to utilise for other areas in respect of enforcement.
- 3.4 The following authorisation at page 18 of Appendix A has been deleted as this responsibility lies with the Land Tribunal, not the Housing Appeals Panel:
- 'To determine applications for HMOs to ensure that they meet the fit and proper person test as detailed in the mandatory licensing of houses in multiple occupation scheme.'*
- 3.5 These are shown in Appendix A from page 34 onwards with a clean version on Appendix B.

- 3.6 The Licensing Committee on 22<sup>nd</sup> November 2017 proposed some minor procedural changes to Article 8, clause 8.2 'Proceedings of Regulatory and other Committees' in the Constitution. Therefore 8.2 (iii) is proposed to read: *'The Licensing Committee and Licensing Sub-Committee when acting in accordance with the Licensing Act 2003 and the Gambling Act 2005 shall conduct the proceedings in accordance with their own hearing procedure'*.
- 3.7 In addition the Licensing Committee proposed that in the Access to Information Procedure Rules, in section 6, there is an additional sentence added at the end to read *'Meetings held under the Licensing Act 2003 or the Gambling Act 2005 will have only their agenda published'*. This is due to sensitive information being contained in the reports, however paper copies will be available at the hearing to any person involved in the proceedings.

### **Organisational Impacts**

#### **4.1 Finance**

There are no direct financial implications arising from this report.

#### **4.2 Legal Implications**

There are no direct legal implications arising from this report.

### **5. Recommendation**

- 5.1 That Council be recommended to approve the proposed changes to the Constitution.