

CHANGES TO THE CONSTITUTION

3	Page 3, Part 6 Contents	Add to the Part 6 Contents a new protocol entitled " Role and Responsibilities of the Monitoring Officer ", " Page 279 " Re-number subsequent page numbers	To discharge a requirement of the District Auditor.
67/28	Page 67, sub-paragraph 28(c) "in the case of a key decision, not later than two working days after taking the decision, circulates a notice to all councillors and the Head of the Modernisation Unit setting out the decision and specifying that it will take effect and may then be implemented after a further period of three working days unless called-in in accordance with Rule 15 of the Overview and Scrutiny Procedure Rules".	Delete the words "... Head of the Modernisation Unit ..." and replace with the words " Head of the Committee Section " and delete the words "... three working days ..." and replace with the words " two working days ".	To reflect changes in personnel and changes elsewhere in the Constitution.
77/34	Page 77, paragraph 34 "To discharge obligations in planning agreements up to approval of expenditure of no more than £10,000 for any one agreement"	Delete the figure of £10,000 and replace with the figure of £40,000	To bring in line with Director's delegated powers on expenditure.
77/37	Page 77, paragraph 37 "To authorise breach of condition notices and conduct "time and place" meetings".	Delete "... and conduct time and place" meetings.	Superfluous
Section 8	SECTION 8 PROPER OFFICER DESIGNATIONS	Replace table on pages 87 - 91 with table attached as Appendix 1	To reflect the correct Proper Officer designations and to make provision for changes in responsibility on the departure of the Head of the Modernisation Unit
95/2(xiv)		Insert a new sub-paragraph (xiv) to read " consider and debate notices on motion submitted to Council under Council Procedure Rule 15 ". Renumber accordingly.	For the avoidance of doubt.

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APPENDIX A

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101/15.01	Page 101, sub-paragraph 15.01	Delete the words "... Proper Officer ..." and replace with the words " Chief Executive "	To remove an anomaly
114/15	Page 114, sub-paragraph 15 Last line: "Where such a decision is taken collectively, it must be taken in public".	Delete the words: "Where such a decision is taken collectively, it must be taken in public".	These words conflict with The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000.
129/2.07	Page 129, sub-paragraph 2.07	Add a new sub-paragraph 2.07 headed " Recording of Meetings " to read " No person shall record a meeting of the Executive Board without the consent of the Leader or person presiding at the meeting ".	A recommendation of the Standards Committee and to avoid infringing the Data Protection Act 1998.
132/1.04	Page 132, sub-paragraph 1.04 "Save as provided in Procedure Rule 1.01 in respect of the East Area Committee no substitutions of City or County Councillors shall be permitted".	Delete and replace with: " No substitutions of City or County Councillors shall be permitted "	To remove an anomaly
132/2.02	Page 132, paragraph 2.02 "If a special meeting of a Committee appears necessary the Chief Executive following consultation with members as provided for in paragraph 7 of the Protocol on Member/Officer Relations contained in the Constitution, shall make all the arrangements necessary to convene such a meeting".	Delete all the words after the words "Chief Executive", and insert " shall consult the Chair, Vice-Chair and the nominee of any other party group represented on the Council about the time and location of the special meeting. The Chief Executive shall make all the arrangements necessary to convene such a meeting ".	To avoid the need to cross-reference.

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136/10.01	<p>Page 136, sub-paragraph 10.01</p> <p>"No decision of an Area Committee shall be implemented until the fifth working day after the day of the Area Committee".</p>	<p>Delete and replace with the words "<u>The summary referred to at Procedure Rule 9.01 (the Action Sheet) will specify that the decisions may come into force and may be implemented on the expiration of two working days after publication of the summary unless the relevant Overview and Scrutiny Committee objects to a decision and calls it in</u>"</p>	<p>To ensure that call-in periods are consistent</p>
136/10.02	<p>Page 136, sub-paragraph 10.02</p> <p>"If within three working days of the date of the summary referred to in Procedure Rule 9.01, any four members of the Council notify the Chief Executive in writing that they wish to call in a decision on a planning application because they believe it impacts on another area and this view is shared by the Planning Control Manager and Conservation, then ...</p>	<p>Delete the words "... three working days of the date ..." and replace with the words "... two working days of publication ..." and after the word "... Council" add the words "<u>, including at least one councillor representing the Ward for the area in which the planning application is submitted, ...</u></p>	<p>To ensure that call-in periods are consistent</p>
		<p>After the words "... in writing ..." add the words "... or by electronic means ..."</p>	<p>To reflect what happens in practice</p>
		<p>Delete the words "... because they believe it impacts on another area and this view is shared by the Planning Control Manager and Conservation, then ..."</p>	<p>To reflect a change already agreed by Council</p>
136/10.03	<p>Page 136, sub-paragraph 10.03</p> <p>"Procedure Rule 10.02 is an alternative to the entitlement of members to call-in decisions to an Overview and Scrutiny Committee but if members exercise their right of call-in to one of those Committees then that course of action shall prevail"</p>	<p>Delete and replace with the words "An Overview and Scrutiny Committee may not call-in a planning decision under paragraph 10.01"</p>	<p>For the avoidance of doubt</p>

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136/10.04	<p>Page 136, paragraph 10.04</p> <p>“Where the Strategic Director responsible for development control proposes to determine a planning application under delegated powers, any four members of Council shall be entitled to call in that application and require it to be determined by the appropriate area committee”.</p>	<p>After the word “Council” add the words “, <u>including at least one councillor representing the Ward for the area in which the planning application is submitted, ...</u>”</p>	<p>To ensure that call-in is representative of Ward Councillors’ views.</p>
136/10.05	<p>Page 136, sub-paragraph 10.05</p> <p>“Call-in in the circumstances referred to in Procedure Rule 10.04 must be notified in writing to the Strategic Director before the end of the consultation period upon that application”.</p>	<p>Delete and replace with the words “Call-in in the circumstances referred to in Procedure Rule 10.04 must be notified in writing or by electronic means to the Chief Executive before the end of the consultation period of twenty one days on the application. The request for call-in shall be accompanied by the planning grounds on which the request is based”</p>	<p>To give greater clarification</p>
139/7	<p>Page 139, paragraph 7</p> <p><u>WORK PROGRAMME</u></p> <p>“Each Overview and Scrutiny Committee, will subject to the decision of the Co-ordinating Group and within an overall annual programme approved by Council ...”</p>	<p>Delete the words “... and within an overall annual programme approved by Council ...”</p>	<p>To reflect a decision of the Co-ordinating Group.</p>

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<p>140/8</p>	<p>Page 100, paragraph 8</p> <p>AGENDA ITEMS</p>	<p>Insert a new paragraph 8.03 to read “Any member of the public present and any Councillor who is not a member of the Committee may speak on any agenda item up to 5 minutes with the agreement of the Chair, whose decision on whether or not to permit a member of the public to speak shall be final”.</p> <p>Re-number existing paragraph 8.03.</p>	
<p>142 15(a)</p>	<p>Page 142, sub-paragraph 15(a)</p> <p>“When a decision is made by the Executive Board, an individual member of the Executive Board or a committee of the Executive Board or a key decision is made by an officer with delegated authority from the Executive Board or under joint arrangements the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within two days of being made. All members of Council will be sent copies of the records of all such decisions within the same timescale by the person responsible for publishing the decision”</p>	<p>Delete and replace with: “Where a decision is made by the Executive Board, an individual member of the Executive Board or an Area Committee, or a key decision is made by an officer, a summary of the decision (the Action Sheet) shall be published by the Chief Executive within two working days of the decision being made. A copy of the summary shall be made available for public inspection at the Town Hall. The Chief Executive will send a copy of the summary, dated with the day of the publication, to all members of the Council”.</p>	<p>To reflect more accurately the legal position</p>
<p>142 15(b)</p>	<p>Page 142, sub-paragraph 15(b)</p> <p>“That notice will bear the date on which it is published and will specify that the decision will come into force and may then be implemented two working days after the publication of the decision ...”</p>	<p>Delete the words “That notice ...” and replace with words “The summary ...”</p>	<p>For clarity</p>

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142 15(c)	Page 142, sub-paragraph 15(c) "During that period the Proper Officer shall call-in a decision for scrutiny ..."	Delete the words "Proper Officer" and replace with the words " Chief Executive "	For clarity
143/h	Page 143, sub-paragraph (h) "Where an Executive Board decision has been taken by an Area Committee then the right to call-in shall extend to any four members of Council if they are of the opinion that a decision made but not implemented will have an adverse effect on another area. In such cases those four members may request the Proper Officer to call-in the decision ..."	Delete the words "Executive Board ..." and replace with the word " executive ...". Delete the words "Proper Officer" and replace with the words " Chief Executive "	To clarify.
150/6	Page 150, paragraph 6 "MEETINGS OF COMMITTEES"	Add a new paragraph 6.03, to read " No person shall record a meeting of a Committee without the consent of the Chair of that Committee or the person presiding ".	A recommendation of the Standards Committee and to avoid infringing the Data Protection Act 1998.
152/11	Page 152, paragraph 11 "DECISIONS"	Add new sub-paragraphs 11.03 and 11.04 to read "11.03 A summary of the decisions of the Strategic Development Control Committee shall be prepared by the Chief Executive, dated with the day of the publication of the summary and made available to all members of the Council not more than two working days from the meeting.	

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		<p>11.04 If within two working days of publication of the summary referred to in sub-paragraph 11.03, any four members of the Council notify the Chief Executive in writing that they wish to call-in a decision of the Strategic Development Control Committee on a planning application, then that decision shall not be acted upon and the planning application shall be determined at the next available meeting of the full Council, the decision of which shall be final.”</p>	
228/4.02	Page 228, sub-paragraph 4.02(iii)	<p>Add a new paragraph 4.02(iii) to read “specifying, where appropriate, an amount of liquidated damages to be paid by the contractor and the basis of the calculation. The appropriate Strategic Director shall consult with the Strategic Director Finance and Corporate Services in order to determine, where appropriate, the amount of liquidated damages and the triggering event or events to be specified. If liquidated damages are included, the contractor shall be required to pay such damages on the occurrence of the specified triggering event or events. When determining whether liquidated damages are appropriate in accordance with this Procedure Rule, the relevant section of the Contract Procedure Guidance Notes shall be followed”.</p> <p>Re-number accordingly.</p>	<p>To ensure the provision of suitable liquidated damages clauses in the contract where appropriate.</p>

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229/4.03	Page 229, sub-paragraph 4.03	<p>Insert a new paragraph 4.03 to read “The Legal Services Business Manager may, at his or her discretion, waive the requirement for the inclusion of any or all of the clauses in sub-paragraph 4.02 when the contractual context renders their use inappropriate”.</p> <p>Re-number existing sub-paragraph 4.03 as 4.04.</p> <p>Insert a new paragraph 4.05 to read:</p> <p>“(i) All contractual claims shall be considered promptly by the Strategic Director”.</p>	<p>This provision gives the Legal Services Business Manger authority to avoid illogical contracts.</p> <p>To ensure a prompt response.</p>
		<p>“(ii) Before any decision or recommendation is made by a Strategic Director on a contractual claim which might result in the Authority incurring any liability over £5,000 or the Authority foregoing any right to recover damages, the Strategic Director shall consult the Legal Services Business Manager”.</p>	<p>This provision is intended to help ensure that the Authority does not unnecessarily forego any rights it may have.</p>

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<p>234/13</p>	<p>Page 234, paragraph 13</p> <p><u>“RETENTION OF CONTRACT DOCUMENTATION</u></p> <p>Strategic Directors shall retain in secure fire proof storage all contracts under hand for 6 years from the start date of the contract, and all contracts under seal for 12 years from the start date of the contract”.</p>	<p>Omit existing paragraph 13 and replace with: “Strategic Directors shall retain in secure storage all contracts under hand for a minimum of 7 years from the start date of the contract and all contracts under seal for a minimum of 13 years from the start date of the contract”.</p>	<p>To reflect the fact that fire-proof storage is not universally available in the Authority and to ensure that documents are kept until the end of the financial year in which the limitation period ends.</p>
<p>244</p>	<p>Page 244 Call-in Procedure Flowcharts</p>	<p>Delete the existing flowcharts and replace with new Appendices 1, 2, 3, 4, 5.</p>	
<p>262/1.05</p>	<p>Page 262, sub-paragraph 1.05</p>	<p>Delete paragraph 1.05 and replace with:</p> <p>“Both councillors and employees are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only as long as their term of office lasts. Employees are responsible to the Council. Their job is to give advice to councillors and to carry out the Authority’s work under the direction and control of the Council, the Executive Board and the various committees”</p>	<p>To reflect the repeal of the National Code of Local Government Conduct.</p>

266/7.01&7.02		Delete paragraphs 7.01 and 7.02 on page 266 and re-number accordingly.	
267/Code of Practice	Page 267	Delete the existing Code of Practice entitled "Code of Practice for Councillors and Officers Engaged in the Determination of Planning Applications" and replace with a revised Code of Practice entitled " Code of Good Practice for Councillors and Officers Involved in Determining Planning Applications ".	To reflect the introduction of the new Code of Conduct.
279/Part 6	Part 6	Insert the new Protocol entitled "Role and Responsibilities of the Monitoring Officer".	To discharge a requirement of the District Auditor.

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**Section 8
Proper Officer Designations**

Proper Officers

The relevant postholders listed below have been designated as Proper Officers for the purposes of the adjacent legislative provisions and any subsequent amendments:

LEGISLATIVE PROVISION		PROPER OFFICER
Local Government Act 1972		
S.83(1) to (4)	Witness and receipt of Declaration of Acceptance of Office	Chief Executive
S.84(1)	Receipt of notice of resignation of elected Member	Chief Executive
S.88(2)	Convening a meeting of Council to fill a casual vacancy in the office of Chair	Chief Executive
S.89(1)	Notice of casual vacancy	Chief Executive
S.100 (except 100(D))	Admission of public (including press) to meetings	Chief Executive
S.100(D))	Compile list of background papers for reports and make copies available for public inspection	All Business Unit Managers
S.115(2)	Receipt of money due from officers	Strategic Director of Finance and Corporate Services
S.146(1)(a)&(b)	Declarations and certificates with regard to transfer of securities	Strategic Director of Finance and Corporate Services
S.191	Officer to whom an application under S.1 of the Ordnance Survey Act 1841 will be sent	Strategic Director of Finance and Corporate Services
S.204(3)	Receipt of notice of application for a justices' licence under the Licensing Act 1964	Environmental Health Business Manager
S.225	Deposit of documents	Chief Executive
S.228(3)	Accounts for inspection by any member of the Council	Strategic Director of Finance and Corporate Services
S.229(5)	Certification of photographic copies of documents	Legal Services Business Manager

LEGISLATIVE PROVISION		PROPER OFFICER
S.234	Authentication of documents	All Business Managers or other persons designated by the Legal Services Business Manager for documents they are authorised to give, make or issue
S.236(9)&(10)	Sending of copies of byelaws to parish councils, parish meetings and county council	Strategic Director of Finance and Corporate Services
S.238	Certification of byelaws	Legal Services Business Manager
S.248	Officer who will keep the Roll of Freemen of the City	Legal Services Business Manager
Schedule 12		
Para 4(2)(b)	Signing of summons to Council meeting	Chief Executive
Para 4(3)	Receipt of notice about address to which summons to meeting is to be sent	Chief Executive
Schedule 14		
Para 25	Certification of resolution passed under this paragraph	Legal Services Business Manager
Schedule 16		
Para 28	Deposit of lists of buildings of special architectural or historic interest	Planning Business Manager
Local Government Act 1974		
S.30(5)	To give notice that copies of an Ombudsman's report are available	Chief Executive
Local Government (Miscellaneous Provisions) Act 1976		
S.41(1)	The officer who will certify copies of evidence of resolutions and minutes of proceedings	Legal Services Business Manager
Local Authorities Cemeteries Order 1977		
Regulation 10	To sign exclusive rights of burial	Cemeteries Manager

LEGISLATIVE PROVISION		PROPER OFFICER
Representations of the People Act 1983		
S.82 and 89	Receipt of election expense declarations and returns and the holding of those documents for public inspection	Chief Executive
Local Elections (Principal Area) Rules 1986		
Rule 46	Retention and public inspection of documents after an election	Chief Executive
Local Elections (Parishes and Communities) Rules 1986		
Rules 46, 47 and 48	Retention and public inspection of documents after an election	Chief Executive
Local Government and Housing Act 1989		
S.2(4)	Recipient of the list of politically restricted posts	Chief Executive
Local Government (Committees and Political Groups) Regulations 1990		
	For the purposes of the composition of committees and nominations to political Groups	Chief Executive
Local Authorities (Members' Interests) Regulations 1992		
	Functions relating to keeping a record of members' interests	Chief Executive
Local Authorities (Standing Orders)(England) Regulations 2001		
	Officer who will give written notice of appointment or dismissal of officers listed in Schedule 1, Part II, paragraph 3	Human Resources Business Manager
Local Government Act 2000		
	All references to the Proper Officer in the Local Government Act 2000 and subordinate legislation	Chief Executive
The Local Authorities (Executive Arrangements) Access to Information (England) Regulations 2000		
Regulation 3	Recording of Executive decisions made at meetings of the Executive Board	Chief Executive
Regulation 5	Inspection of documents following Executive decisions	Chief Executive
Regulation 6	Inspection of background papers	Chief Executive

LEGISLATIVE PROVISION		PROPER OFFICER
Regulation 9	Individual Executive decisions	Chief Executive
Regulation 11	Access to agenda and connected reports	Chief Executive
Regulation 12	Publicity in connection with key decisions	Chief Executive
Regulation 15	General exception relating to the forward plan	Chief Executive
Regulation 17	Members' rights of access to documents	Chief Executive
Regulation 21	Confidential/exempt information and exclusion of Public from meetings	Chief Executive
Housing Act 1985		
S.606	Submission of reports on particular houses or areas by the proper officer	Strategic Director
Public Health (Control of Disease) Act 1984		
S.31	Certification by officer of need for disinfection of premises	Environmental Health Business Manager
S.32	Certification by officer of need to remove person from infected house	Environmental Health Business Manager
Public Health Act 1936		
S.85(2)	To serve notice requiring remedial action where there are verminous persons or articles	Environmental Health Business Manager
Public Health Act 1961		
S.37	Control of any verminous article	Environmental Health Business Manager

The Proper Officer (Medical) is the person appointed to be the proper officer for the following or any other relevant legislative provisions:

Public Health (Control of Disease) Act 1984		
S.11	Receiving and dealing with notifications about cases of notifiable diseases and food poisoning	
S.18	Obtaining information about cases of notifiable disease or food poisoning	
S.20	Stopping of work to prevent spread of disease	
S.21	Exclusion from school of a child liable to convey a notifiable disease	

S.22	Requesting names and addresses of pupils attending a school or department of a school	
S.36	Issuing certificates to obtain an order for and carrying out a medical examination of persons believed to be carrying a notifiable disease	
S.40	Obtain a warrant to and carry out a medical examination of inmates of a common lodging house	
S.42	Certifying a common lodging house to be free from infection	
S.43	Certifying that the body of a person who dies in hospital from a notifiable disease shall not be moved except to be taken to a mortuary or immediately buried or cremated	
S.48	Certifying that the retention of a body in a building would endanger health	
S.59	Authentication of documents relating to matters within his/her responsibility	
National Assistance Act 1948		
S.47	Removal to suitable premises of people in need of care and attention	
National Assistance (Amendment) Act 1951		
S.1	Certification of the need for immediate action	