

Report of Section Head Legal Services**Report to Monitoring Officer****Date: 2nd February 2016****Subject: Amendment to Constitution – Officer Delegation Scheme (Council Functions)**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. The Monitoring Officer is required to keep the Constitution under review to ensure that it is up to date and fit for purpose.
2. A recent review of the Officer Delegation Scheme (Council functions) relating to the Assistant Chief Executive (Citizens and Communities) has shown that some minor amendments are necessary for the purpose of clarification in relation to the licensing authority's functions under the Gambling Act 2005.

Recommendations

3. The Monitoring Officer is requested to approve amendments to the Officer Delegation Scheme (Council functions) relating to the Assistant Chief Executive (Citizens and Communities) as shown at Appendix A attached.

1 Purpose of this report

- 1.1 This report sets out amendments to the Officer Delegation Scheme (Council functions) relating to the Assistant Chief Executive (Citizens and Communities) which are necessary to clarify the constitution.

2 Background information

- 2.1 Article 15.2 of the Constitution provides that “the Monitoring Officer is authorised to make any changes to any Part of the Constitution which are required:
- As a result of legislative change or decisions of the Council or Executive to enable him/her to maintain it up to date;
 - Or for the purposes of clarification only.”

3 Main issues

- 3.1 The Assistant Chief Executive (Citizens and Communities) has the delegated authority to discharge licensing functions including certain functions delegated by the Licensing Committee. The current Officer Delegation Scheme (Council (non-executive) functions) in the Constitution identifies the Licensing Act 2003 and in the footnote the 2005 Act. The 2005 Act referred to is the Gambling Act 2005. The suggested amendment shown at Appendix A clarifies this.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The Assistant Chief Executive (Citizens and Communities) has been consulted in relation to the proposed amendments.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 There are no implications for this report.

4.3 Council policies and Best Council Plan

- 4.3.1 The proposed amendments are in line with the Council's value of being 'Open, honest and trusted' providing clarity and transparency in relation to officer involvement in decision making.

4.4 Resources and value for money

- 4.4.1 There are no implications for this report.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 There are no implications for this report.

4.6 Risk Management

- 4.6.1 There are no implications for this report.

5 Conclusions

- 5.1 Amendments proposed to the Officer Delegation Scheme (Council functions) relating to the Assistant Chief Executive (Citizens and Communities) will clarify the constitution and improve transparency in relation to officer involvement in decision making.

6 Recommendations

- 6.1 The Head of Governance Services is requested to approve amendments to the Officer Delegation Scheme (Council functions) relating to the Assistant Chief Executive (Citizens and Communities) as shown at Appendix A attached.

7 Background documents¹

- 7.1 None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.