

**Report of Deputy Head of Democratic Services**

**Report to City Solicitor**

**Date: 24<sup>th</sup> February 2020**

**Subject: Amendment to Constitution**

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has consultation been carried out?	<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
Will the decision be open 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**

**1. Main issues**

- This report recommends changes to the Officer Delegation Scheme (council (non-executive) functions) – general delegations for reasons of clarification.

**2. Best Council Plan Implications** (click [here](#) for the latest version of the Best Council Plan)

- There are no implications for the best council plan.

**3. Resource Implications**

- There are no resource implications.

**Recommendations**

- a) The City Solicitor is requested to amend the Officer Delegation Scheme (council (non-executive) functions) – general delegations, as shown in Appendix A attached, with immediate effect.

## **1. Purpose of this report**

- 1.1 This report recommends changes to the Officer Delegation Scheme (council (non-executive) functions) – general delegations in order to provide clarity in relation to authority to take such steps as are necessary to ensure that the council’s byelaws remain up to date and fit for purpose.

## **2. Background information**

- 2.1 Article 15.2.3 provides that the City Solicitor, in her role as 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 them to maintain it up to date; or
  - For the purposes of clarification only.

## **3. Main issues**

- 3.1 The Officer Delegation Scheme (council (non-executive) functions) – general delegations currently provide for the council’s directors to discharge the function of enforcement of the council’s byelaws.
- 3.2 In accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) the authority to make, amend, revoke or re-enact the byelaws is reserved to full council.
- 3.3 In order to ensure that the byelaws remain up to date and fit for purpose, and so to enforce them, it is necessary to monitor and review those byelaws, and where necessary to take steps to prepare new or amended byelaws for consideration and approval by full council on the recommendation of general purposes committee.
- 3.4 An amendment to the delegation scheme is proposed to show that, directors have the authority to take such steps as are necessary to prepare, monitor and review the byelaws relating to matters within their remit and so to ensure that the council’s byelaws remain up to date and fit for purpose.
- 3.5 The proposed amendments are set out at Appendix A attached.

## **4. Corporate considerations**

### **4.1 Consultation and engagement**

- 4.1.1 As this amendment is for clarification only no consultation is necessary.

### **4.2 Equality and diversity / cohesion and integration**

- 4.2.1 There are no implications for this report.

### **4.3 Council policies and the Best Council Plan**

- 4.3.1 There are no implications for this report.

## Climate Emergency

4.3.2 There are no implications for this report.

### **4.4 Resources, procurement 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 The proposed delegation is compatible with the Functions and Responsibilities Regulations 2000.

4.5.2 This decision will be treated as a significant operational decision. It will be published on the Council's website but is not eligible for call in.

### **4.6 Risk management**

4.6.1 There are no implications for this report.

## **5. Conclusions**

5.1 Amending the delegations will provide clarity and transparency in the Council's decision making arrangements.

## **6. Recommendations**

6.1 The City Solicitor is requested to amend the Officer Delegation Scheme (council (non-executive) functions) – general delegations, as shown in Appendix A attached, with immediate effect.

## **7. Background documents<sup>1</sup>**

7.1 None

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<sup>1</sup> 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.