

Report of Principal Corporate Governance Officer

Report to City Solicitor

Date: 17th April 2018

Subject: Amendments to Constitution

Are specific electoral wards affected? If yes, 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. This report details an amendment to the constitution which is proposed to give effect to legislative change.

Recommendations

2. The City Solicitor is requested to approve amendments to the Licensing Committee Terms of Reference with immediate effect for the reasons set out in this report.

1. Purpose of this report

- 1.1 This report sets out details of amendments to the Constitution which fall within the City Solicitor's authority as Monitoring Officer and are required to keep the Constitution up to date and fit for purpose.

2. Background information

- 2.1 In addition the Head of Governance and Scrutiny Support has undertaken a review of the Constitution in respect of the Council's arrangements.
- 2.2 Article 15.2.3 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 her to maintain it up to date;
 - Or for the purposes of clarification only.

3. Main issues

- 3.1 Amendments to the Constitution are proposed in order to give effect to legislative change.

Licensing Committee Terms of Reference

- 3.1.1 Full Council previously delegated to the Licensing Committee the power to make a designated public places order (DPPOs) in respect of alcohol consumption.
- 3.1.2 Designated Public Places Orders were introduced under the Criminal Justice and Police Act 2001 ("the 2001 Act"). The 2001 Act was repealed by the Anti-Social Behaviour, Crime and Policing Act 2014 ("the 2014 Act") in October 2014, effectively preventing the creation of new DPPOs.
- 3.1.3 Transitional provisions contained within the 2014 Act provided for DPPOs that were in force on 20 October 2014 to remain in force until 19 October 2017. From 20 October 2017 they remained in force as if the provisions of the DPPOs were provisions of a Public Space Protection Order.
- 3.1.4 The power to make new Public Space Protection Orders is contained under Anti-social behaviour provisions of section 59 Crime and Policing Act 2014 and now rests with the Anti-Social behaviour Service. Constitutionally the power to make PSPOs is delegated to the Director of Communities and Environment and through his sub-delegation scheme to the community safety team.
- 3.1.5 Therefore the amendment proposed to the Licensing Committee terms of reference, which is shown at Appendix A attached, reflects the fact that the relevant legislation has now been repealed in full and removes a now redundant reference.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 The Chair of the Council's Licensing Committee has been consulted and is content with the proposed changes.

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 Continuous monitoring and updating of the Constitution is in line with the Council's value of being open, honest and trusted.

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 All of the proposed amendments fall within the City Solicitor's delegated authority as Monitoring Officer.

4.5.2 This decision is a significant operational decision and will be published accordingly. The decision is not eligible for call in.

4.6 Risk management

4.6.1 There are no implications for this report.

5. Conclusions

5.1 The amendments to the Constitution proposed in this report are necessary as a result of legislative change.

6. Recommendations

6.1 The City Solicitor is requested to approve amendments to the Licensing Committee Terms of Reference with immediate effect for the reasons set out in this report.

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.