

## ANNUAL COUNCIL – 16 MAY 2006

### REPORT OF DEPUTY DIRECTOR OF LEGAL SERVICES

#### AMENDMENTS TO THE CONSTITUTION - BRIEFING NOTE

1. This Briefing Note highlights the main amendments to the Constitution, which is due to be re-adopted at the Annual Council meeting on 16 May 2006. The Constitution is attached as a separate document to this note.
2. Development and Regeneration  
Under Part 8 of the Anti-Social Behaviour Act 2003 powers to deal with complaints concerning high hedges is a Council function. Delegated powers given to Development Control and also Director of Development and Regeneration (except setting fee levels) to deal with complaints  
  
Delegated Authority given to Head of Development and Regeneration to make minor amendments to Section 106 agreements in consultation with the Chair and Vice- Chair and to refuse planning permission in relation to major applications in specified circumstances after consultation with the Chair and Vice- Chair.  
  
New power to issue a temporary stop notice under section 171E of the Town and Country Planning Act 1990 is a Council function. Amendments made to give delegated power to Development Control Committee to authorise issue.
3. Planning and Compulsory Purchase Act 2004.  
Amendments have been made to Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. Functions relating to development plan documents and joint committees established under the 2004 Act is the shared responsibility of the Authority and the Executive. However, functions relating to local development plan documents other than development plan documents are an executive function.
4. Streetscene, Neighbourhoods and Environment  
Amendments to scheme of delegation to allow the Director of Streetscene, Neighbourhoods and Environment to discharge functions under sections 3 & 4 of the Clean Neighbourhoods Act 2005.  
  
Amendments to the scheme of delegation to allow authorisations and delegations to the Director of Streetscene, Neighbourhoods and Environment to enforce new food hygiene legislation made under Food Safety Act 1990 and any orders/regulations made under the European Communities Act 1972.
5. Statutory Licensing Committee-Gaming machines on Alcohol Licensed Premises  
Amendments to Scheme of Delegation to allow the Statutory Licensing Committee and Director of Customer, Democratic and Legal Services to determine applications relating to gaming and gaming machines in alcohol licensed following the transfer of those responsibilities from the Licensing Justices.
6. Licensing and Safety Committee  
Amendment to the scheme of delegation to allow the Director of Customer, Democratic and Customer Services to grant or renew applications for private hire and hackney carriage licences where convictions would ordinarily be “ spent” under the Rehabilitation of Offenders Act 1974 unless offences are of a serious nature or where series of offences over a period of time.
7. Contract Procedure Rules  
New Contract Procedure Rules have been approved,

8. Area Forum Pilot Scheme Procedure Rules  
Procedure Rules for Area Forum pilots have been approved.
9. Portfolios  
The Consitution will be amended to reflect any changes to Portfolios and to reflect the new management structure and will be referred to Council for approval.
10. Irrecoverable Debts  
The Delegation Scheme has been amended to give Director of Finance power to write off irrecoverable debts.

**Recommendation to the Council**

11. The Council is recommended to re-adopt the Council Constitution.

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Deputy Director of Legal Services  
11 May 2006