

EAST HERTS COUNCIL

COUNCIL - 16 MAY 2012

REPORT BY THE MONITORING OFFICER

AMENDMENTS TO THE CONSTITUTION

WARD(S) AFFECTED: All

Purpose/Summary of Report

- The report sets out proposed amendments to the Constitution.

<u>RECOMMENDATION:</u>	
(A)	That the amendments to the Constitution be approved.

1.0 **Background**

1.1 The report considers amendments to the Council's Constitution. The Monitoring Officer monitors and reviews the Constitution on a regular basis. Recommended changes are included in the report.

2.0 **Report**

2.1 An annual review of the Constitution is carried out prior to a report being submitted to Annual Council on any proposed changes. A number of changes are proposed. The significant changes are highlighted in this report.

2.2 Some amendments reflect changes which have already taken place such as deletion of the Community Voice meetings. Changes in job titles and responsibilities require minor changes to be made. The significant changes are

described in this report and they are shown in **Essential Reference Paper 'B'**.

3.0 **Development Control Delegation**

- 3.1 The determination of planning applications is delegated to officers subject to a number of exceptions including major developments and departures from the local plan. Applications within these exceptions are determined by the Committee. This results in applications for small scale household development being determined by the Committee. It is proposed to amend the delegation to reduce the number of these applications going to Committee.

This would be achieved by delegating householder applications which are contrary to policy to officers unless objections to the development are received and officers propose to approve the application. Other applications which are currently determined by the Committee would not be affected. The amendments are highlighted in **Essential Reference Paper 'B'**.

4.0 **Council Tax Setting Committee**

- 4.1 It is proposed that a Council Tax Setting Committee should be established to set the Council tax and agree the formal resolution for Council tax. The new paragraphs are shown in **Essential Reference Paper 'B'**.

5.0 **Finance Functions**

- 5.1 It is proposed that the delegations for finance functions should be updated in line with changes to the staff structure and the introduction of shared services. The new paragraphs are shown in **Essential Reference Paper 'B'**.

6.0 **Financial Regulations**

There are a number of minor additions and changes to the Financial Regulations. There is an addition to the provisions for new proposals requiring a proportionate use of the H M Treasury Green Book. The provisions on credit balances

are amended to make the regulations clearer.

New paragraphs are proposed to cover the following areas:

Acting on behalf of the Council,

Taxation affecting the Council,

Gifts and hospitality,

The assurance statement given by managers,

Exceptions to the Financial Regulations,

Budgetary provisions for Payroll,

Information systems used for financial transactions,

Virement caused by organisational change.

The new paragraphs are shown in **Essential Reference Paper 'B'**.

6.0 **Standards Regime**

6.1 The Constitution will reflect the changes to the to the standards regime. The proposed changes are the subject of a separate report.

6.2 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers Constitution Guidance

Contact Officer/ Report Author:

Simon Drinkwater – Director of
Neighbourhood Services and Monitoring
Officer, extn 1405
simon.drinkwater@eastherts.gov.uk