

Council

Date of Meeting:	13 December 2023
Report by:	James Ellis, Head of Legal and Democratic Services
Report title:	Minor changes to the Constitution
Ward(s) affected:	All

Summary

In accordance with paragraph 2.6.5 of the Constitution any minor changes made to the Constitution by the Monitoring Officer must be notified to Members at the next meeting of the Full Council. In accordance with paragraph 13.2.13 of the Constitution any changes made to the Policy Framework are reserved to Council.

RECOMMENDATIONS FOR COUNCIL:

- (a) To note the minor change to the Constitution in Appendix A which is required to be made to put into effect the decision of the Executive dated 28th November 2023 which delegated authority to the Head of Legal and Democratic Services to make consequential amendments to the Constitution to facilitate the establishment of the Harlow and Gilston Garden Town Joint Committee; and**
- (b) To amend the Policy Framework at paragraph 3.2.1 (n) set out in paragraph 2.7 of this report.**

1.0 Proposal(s)

- 1.1 As above.

2.0 Background

- 2.1 Changes to the Constitution are dealt with under paragraph 2.6 of the Constitution.
- 2.2 Under paragraph 2.6.3 if in the reasonable opinion of the Monitoring Officer a change is required to be made so as to put into effect any decision of the Council or its Committees or the Executive then the Monitoring Officer may make such a change.
- 2.3 On the 28th November 2023 the Executive delegated authority to the Head of Legal and Democratic Services to make consequential amendments to the Council's Constitution to facilitate the establishment of the Harlow and Gilston Town Joint Committee (HGGT) on the basis of the Terms of Reference set out in Schedule 10 of the Inter Authority Agreement once all the constituent Councils have confirmed their approval of the agreement.
- 2.4 In relation to any proposed changes to the Council's Policy Framework Section 13 – Budget and Policy Framework Procedure Rules, paragraph 13.2.13 states that these are reserved to the Council.
- 2.5 The main changes are as follows:
- 2.6 To make provision for the creation of a new HGGT Joint Committee (Appendix A) in Section 8 – Other Committees in the Constitution to reflect the decision of the Executive on the 28th November 2023. The HGGT Inter Authority Agreement will be annexed to the Constitution.
- 2.7 To remove the words “(and Harlow and Gilston Garden Town project)” from paragraph 3.2.1 (n) of the Policy Framework. It

should be noted that decisions on planning applications for HGGT would still remain with each constituent Local Planning Authority and decisions relating to the statutory plan making for the HGGT are would still come within paragraph (n) of the Policy Framework.

3.0 Reason(s)

- 3.1 To reflect the decision of the Executive on 28th November 2023.
- 3.2 Decisions should be taken at the lowest permissible level, having decisions related to the HGGT as part of the Policy Framework is going beyond what is required and causes unnecessary delay.
- 3.3 To comply with the requirements of paragraph 2.6.5 which ensures that minor changes made under paragraph 2.6.3 (b) are notified to all members at the next meeting of Full Council.
- 3.4 To comply with the requirement of paragraph 13.2.13 in relation to changes to the Policy Framework.
- 3.5 To ensure that the established HGGT Joint Committee is able to make strategic and local policy making decisions in relation to the HGGT.

4.0 Options

- 4.1 Not to approve recommendation (b), this is not recommended. Not amending the Policy Framework as set out at paragraph 2.7 above would hinder the HGGT Joint Committee's ability to have a range of strategic and local policy making powers, as set out in the HGGT Inter Authority

Agreement, and place East Herts Council at odds with the other Partner Authorities.

5.0 Risks

- 5.1 Having East Herts Council be out of sync with the other partner authorities would mean that the HGGT Joint Committee would not be able to operate as intended.

- 5.2 If the Policy Framework is not amended in line with recommendation (b) it would mean that East Herts Council would not be able to form part of the HGGT Joint Committee and therefore would not be represented.

6.0 Implications/Consultations

- 6.1 The establishment of the Joint Committee has been taken through the Executive on 28th November 2023

Community Safety

No

Data Protection

No

Equalities

No

Environmental Sustainability

No

Financial

None

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

Yes, as indicated above.

Specific Wards

7.0 Background papers, appendices and other relevant material

7.1 The main changes to the Constitution listed in the report are shown at paragraph 32.6 and 2.7 and Appendices A.

Contact Officer

James Ellis, Head of Legal and Democratic
Services

james.ellis@eastherts.gov.uk

Report Author

Victoria Wilders, Legal Services
Manager/Deputy Monitoring Officer

victoria.wilders@eastherts.gov.uk