

EAST HERTS COUNCIL REPORT

COUNCIL

DATE OF MEETING: WEDNESDAY, 4 MARCH 2026

REPORT BY: JAMES ELLIS – DIRECTOR FOR LEGAL, POLICY AND GOVERNANCE AND MONITORING OFFICER

REPORT TITLE: MINOR AMENDMENTS TO THE CONSTITUTION

WARDS 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.

RECOMMENDATIONS FOR COUNCIL:

- a) To approve the minor amendments to the Constitution as set out in Appendices A to D.**

1.0 Proposal

1.1 As set out 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(d) if in the reasonable opinion of the Monitoring Officer a change is requested only for the practical purpose, in order to ensure the proper administration of the Council, then the Monitoring Officer may make such a change.

2.3 Any change made under paragraph 2.6.3(d) shall come into force with immediate effect but shall be referred to Full Council as soon as is reasonably practicable and shall only continue to have effect thereafter if agreed by Full Council. The changes made under

paragraph 2.6.3(d) concerns the Policy Framework in relation to the Local Plan as detailed at 3.2.1(n).

- 2.4 The proposed amendments (attached at Appendix A), clarify that Full Council's decision-making role in relation to the Local Plan only relates to setting, approving and adopting the Local Plan policy framework itself, rather than considering or endorsing the associated technical evidence base.
- 2.5 The proposed clarifications will ensure that Council remains focussed on the strategic policy choices that guide development in the district, while the preparation, management and approval of the supporting evidence are matters that the Executive can agree. This distinction strengthens efficiency, maintains clear governance boundaries, and avoids unnecessary duplication in the plan making process.
- 2.6 In addition, amendments have been made to the remit of the District Planning Executive Panel detailed at 8.5.1 (attached at Appendix B).
- 2.7 In June 2025, Executive agreed to reconvene the District Plan Executive Panel (DPEP) as a sub-group of the Executive for the specific purpose of advancing the new District Plan. DPEP has sat in abeyance for a number of years and is being refreshed to go through the current Local Plan process. All Members will be invited to attend all meetings of DPEP and therefore there will be no reduction in the opportunities open to Members to be as involved in the process as they wish to be.
- 2.8 Under paragraph 2.6.3(a) if in the reasonable opinion of the Monitoring Officer a change is required to be made to remove any inconsistency, ambiguity, typographical or other such error, changes to staffing structures, job descriptions or changes in terminology then the Monitoring Officer may make such a change.
- 2.9 Section 10 has been amended to reflect the delegations that should sit with the Director of Place and the Director of Communities, following the senior management restructure in 2025 (attached at Appendix C).
- 2.10 Paragraph 4.22 has been amended to reflect the existing process for non-key decisions delegated to officers, which are not subject

to call-in. This ensures consistency across all non-key decision-making processes (attached at Appendix D). The flow chart accompanying section 4 of the report has also been amended (attached at Appendix E).

3.0 Reasons

- 3.1 To comply with the requirements of paragraph 2.6.5 which ensures that a minor change made under paragraph 2.6.3(a) and 2.6.3(d) is notified to all members at the next meeting of Full Council.
- 3.2 To agree that the changes made under paragraphs 2.6.3(a) and 2.6.3(d), continue to have effect going forward.

4.0 Options

- 4.1 Not to approve recommendation (a), this is not recommended. This would mean that a duplication of functions would remain, risking the clarity of decision-making and procedures throughout the year.

5.0 Risks

- 5.1 If the Constitution is not amended in line with recommendation (a) it would mean that a duplication of these functions would remain, risking the clarity of decision-making and procedures throughout the year. It would also burden Council with unnecessarily heavy agendas of items that will have already been to both DPEP and Executive.

6.0 Implications/Consultations

- 6.1 The proposal in relation to the Policy Framework and District Plan was emailed to Group Leaders for comment on 17 February 2026.
- 6.2 The report was taken through Leadership Team on 24 February 2026.

Community Safety

No

Data Protection

No

Equalities

No

Environmental Sustainability

No

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

Yes, as indicated above.

Specific Wards

No

7.0 Background papers, appendices and relevant material

- 7.1 Appendix A – Tracked changes showing minor changes to Policy Framework
- 7.2 Appendix B – Tracked changes showing minor changes to Section 8.5 – District Planning Executive Panel.
- 7.3 Appendix C - Tracked changes showing minor changes to Section 10 – Officers' Responsibility for Functions.
- 7.4 Appendix D – Tracked changes showing minor changes to Section 4 – Executive Arrangements
- 7.5 Appendix E – Tracked changes showing minor changes to the Executive Decision flowchart.

Contact Officer

James Ellis, Director for Legal, Policy and Governance
and Monitoring Officer

James.Ellis@eastherts.gov.uk

Report Author

Stephanie Tarrant, Assistant Director for Democracy,
Elections and Information Governance

Stephanie.Tarrant@eastherts.gov.uk