

<b>Committee:</b> General Purposes	<b>Date:</b> 21 January 2009	<b>Classification:</b> Unrestricted	<b>Report No:</b>	<b>Agenda Item No:</b> 4.2
<b>Report of:</b> The Monitoring Officer		<b>Title:</b> Amendments to the Constitution		
<b>Originating Officer(s):</b> Isabella Freeman, Assistant Chief Executive (Legal Services) & Monitoring Officer		<b>Wards Affected:</b> All		

## 1. SUMMARY

- 1.1 This report proposes amendments to the Council's Constitution in accordance with legislative changes and recommends the delegation of the functions specified to the relevant Chief Officers.

## 2. RECOMMENDATIONS

- 2.1 The Committee is recommended to approve the changes to the Constitution and the delegation of functions to officers as set out in Appendix 1 to this report.

### **3. BACKGROUND**

- 3.1 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 set out a comprehensive list of functions which are non-executive functions and those which are specifically designated as executive functions. Addition regulations amending the core regulations have been made regularly ever since.
- 3.2 Part 3 of the Council's Constitution sets out all the functions specified in the regulations and whether the exercise of those functions has been delegated to a Committee or to an officer.
- 3.3 Recently two sets of regulations have been made which amend the core regulations. These are The Local Authorities (Functions and Responsibilities) (England) (Amendment No. 3) Regulations 2008 and The Local Authorities (Alcohol Disorder Zones) Regulations 2008.
- 3.4 Whilst the Monitoring Officer has power under Article 15.01(5) of the Constitution to make revisions to the Constitution to reflect changes in legislation, power to delegate the exercise of functions to officers is vested in this Committee. In view of the close proximity of the Committee meeting to the effective dates of the new regulations, the Monitoring Officer has not exercised her powers, but left it to this Committee to amend the Constitution to reflect legislative changes and to delegate the various functions to the relevant chief officers, all as stated in Appendix 1 to this report.

### **4. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL)**

- 4.1 Legal considerations are dealt with in the body of the report and there are no other legal consequences.

### **5. COMMENTS OF THE CHIEF FINANCIAL OFFICER**

- 5.1 There are no financial implications arising from this report.

### **6. ONE TOWER HAMLETS**

- 6.1 None.

### **7. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

7.1 None.

## **8. RISK MANAGEMENT IMPLICATIONS**

8.1 None.

## **9. APPENDICES**

9.1 Amendments to the Constitution.

Amendments to the Constitution

Page 55	After item 69 insert:	
70. Power to register premises or stalls for the sale of goods by way of competitive bidding.	Section 28 of the Greater London Council (General Powers) Act 1984.	Corporate Director Communities, Localities and Culture.
Page 55	Re-number item 70 as item 71.	
Page 56	After item 71 insert:	
72 Functions relating to the registration of common land and town or village greens.	Part 1 of the Commons Act 2006 and the Commons Registration (England) Regulations 2008 (SI 2008/1961).	Corporate Director Development & Renewal
Page 56	Re-number items 71 and 72 as items 73 and 74.	
Page 59	Delete paragraph 3.1.1.6 EA Functions relating to changing governance arrangements.	
Page 60 et seq	Re-number paragraphs 3.1.1.7 – 3.1.1.11 as paragraphs 3.1.1.6 – 3.1.1.10.	
Page 66	After item 49 insert:	
50. Power to make or revoke an order designating a locality as an alcohol disorder zone.	Section 16 of the Violent Crime Reduction Act 2006.	Corporate Director Communities, Localities and Culture.
51. Power to apply for an enforcement order against unlawful works on common land.	Section 41 of the Commons Act 2006.	Corporate Director, Development & Renewal.
52. Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful	Section 45(2)(a) of the Commons Act 2006	Corporate Director, Development & Renewal.

interference.

53. Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens.	Section 45(2)(b) of the Commons Act 2006.	Corporate Director, Development & Renewal, Assistant Chief Executive (Legal Services).
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