

Committee: General Purposes	Date: 14 June 2006	Classification: Unrestricted	Report No:	Agenda Item No:
Report of: Assistant Chief Executive (Legal)		Title: Amendments to the Constitution		
Originating Officer Graham White		Wards Affected: N/A		

1. SUMMARY

- 1.1 This report proposes amendments to the Constitution as a consequence of the Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2006

2. RECOMMENDATION

The Committee is requested to: -

- 2.1 Approve the amendments to the Constitution detailed in this report and shown at Appendix 1 and 2 attached.

LOCAL GOVERNMENT ACT, 2000 (SECTION 97)
LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF
THIS REPORT

**Brief description of
"background papers"**

**Tick if copy supplied
for register**

**If not supplied
name and
telephone
number of
holder**

3. BACKGROUND

- 3.1 Following an annual review the Council's Constitution was approved by Council on 1 March 2006. On 22 March 2006 the Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2006 were made and came into effect on 21 April 2006.
- 3.2 The Regulations amended the principal Regulations of 2000 which set out the matters which are executive functions, non-executive functions, and local choice functions. Various additions and deletions were made which must be incorporated into the Constitution. In the majority of cases primary legislative changes pre-dated the review of the Constitution and the required changes had been made. However, the following amendments are necessary.
- 3.3 Article 4 (Page 14) contains a table of plans and strategies which form the policy framework and are required by statute to be approved by the Council. The Regulations require the following changes:
- Delete – 'Community Care Plan Section 46 National Health Service and Community Care Act 1990'
 - After 'Children and Young People's Plan' delete –'Section 17 Children's Act 2004' and insert 'Children and Young People's Plan (England) Regulations 2005'
- 3.4 A revised policy framework is attached at Appendix 1
- 3.5 By virtue of the Gambling Act 2005 a new power to resolve not to issue a casino premises licence is afforded to local authorities as a non-executive function. It is proposed that this power be delegated to the Licensing Committee. The consequential amendments to the list of non-executive licensing functions (Page 50) and to the terms of reference of the Licensing Committee (Pages 74-75) are attached at Appendix 2.

4. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 4.1 There are no direct financial implications arising from this report

5. EQUAL OPPORTUNITY IMPLICATIONS

- 5.1 There are no equal opportunity implications arising from this report

6. ANTI-POVERTY IMPLICATIONS

- 6.1 There are no anti-poverty implications arising from this report

7. RISK MANAGEMENT IMPLICATIONS

- 7.1 There are no risk management implications arising from this report

8 SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

There are no direct sustainable action for a greener environment implications arising from this report.