

# Update to the Constitution

## Leader of the Council

Date:	18 April 2023
Agenda Item:	11
Contact Officer:	Mark Hooper – Governance Manager and Monitoring Officer
Tel Number:	01543 308064
Email:	Mark.hooper@lichfielddc.gov.uk
Key Decision?	NO
Local Ward Members	All



**Council**

## 1. Executive Summary

- 1.1 The Council's Constitution is reviewed and updated to ensure it remains fit for purpose, reflects changes in legislation, and provides appropriate delegations.
- 1.2 Part 3 of the Constitution has been updated to reflect changes to roles and responsibilities of the Leadership Team.
- 1.3 Following a review of delegations it is proposed that:
  - delegations in respect of building control be clearly specified.
  - The wording of the existing delegation to the Chief Operating Officer and Assistant Directors to set, vary and waive fees and charges be amended to clarify that the delegation must *be exercised in conformity with approved corporate fees and charges policy and in consultation with the Section 151 Officer, unless otherwise reserved to another body.*

## 2. Recommendations

- 2.1 Council is requested to note that Part 3 of the Constitution has been updated to reflect current Leadership Team responsibilities.
- 2.2 That delegations set out in paragraph 3.3 in respect of building control be assigned to the Assistant Director Operations, Regulation and Enforcement.
- 2.3 That the delegation to the Chief Operating Officer and Assistant Directors to set fees and charges be amended as set out in paragraph 3.5.

## 3. Background

### Update to Officer Delegations

- 3.1 Part 3 of the Constitution has been updated to reflect the current composition and responsibilities of the Council's leadership team.
- 3.2 This is in line with the Chief Executive's authority to amend the responsibilities of the Leadership Team providing the Monitoring Officer is notified and the Constitution updated.

## Review of Delegations – Building Control

- 3.3 Following a review of delegations it is recommended that delegations assigned to the Assistant Director Operations, Regulation and Enforcement should specify:

*Functions Under the Building Act 1984, Building Regulations 2010 and The Building (Approved Inspector etc.) Regulations 2010.*

- 3.4 In line with the constitution delegated functions can be delegated further with the written agreement of the Chief Executive.

## Review of Delegations – Fees & Charges

- 3.5 The Chief Operating Officer and Assistant Directors have the authority to set, vary and waive fees and charges within their service areas subject to matters reserved for another body. It is proposed that the delegation be amended to include reference to the corporate fees and charges policy and require consultation with the Section 151 Officer, unless reserved to another body. The delegation would therefore read:

*‘The Chief Operating Officer and Assistant Directors have authority to set, vary and waive prices, fees and charges for matters within their respective areas in conformity with approved corporate fees and charges policy and in consultation with the Section 151 Officer, unless otherwise reserved to another body.’*

Alternative Options	1. Not to update the Constitution and scheme of delegation in line with organisation changes could lead to confusion and potential legal challenge.
Consultation	1. Changes are subject to consultation with Leadership Team
Financial Implications	1. There are no additional financial implications.
Approved by Section 151 Officer	Yes
Legal Implications	1. None
Approved by Monitoring Officer	Yes
Contribution to the Delivery of the Strategic Plan	1. Proposals will ensure compliance with legal requirements, ensure clarity and therefore contribute to the Council’s ability to deliver the services.
Equality, Diversity and Human Rights Implications	1. None
Crime & Safety Issues	1. None
Environmental	1. None

Impact (including Climate Change and Biodiversity).	
---	--

GDPR / Privacy Impact Assessment	1. None

	Risk Description & Risk Owner	Original Score (RYG)	How We Manage It	Current Score (RYG)
A	Legal Challenge due to Constitution not being up to date.	Yellow	Update constitution.	Green

	<b>Background documents</b> The Council's Constitution
--	---

	<b>Relevant web links</b> <a href="https://democracy.lichfielddc.gov.uk/ieListDocuments.aspx?CIId=190&amp;MIId=304&amp;Ver=4&amp;info=1">https://democracy.lichfielddc.gov.uk/ieListDocuments.aspx?CIId=190&amp;MIId=304&amp;Ver=4&amp;info=1</a>
--	--