

TONBRIDGE & MALLING BOROUGH COUNCIL

COUNCIL

25 April 2006

Report of the Monitoring Officer

Part 1- Public

Matters For Decision

1 CHANGES TO THE CONSTITUTION

1.1 Introduction

1.1.1 Article 15 in Part 2 of the Constitution sets out the procedure for review and revision of the constitution. Changes to the Constitution may only be approved by the full Council after consideration of a report on the proposal from the Council's Monitoring Officer. In preparing the report, the Monitoring Officer is required, amongst other things, to compare practices in this authority with those in other comparable authorities and national examples of best practice (where appropriate) and to consult the Council's other statutory officers, the Head of Paid Service and the Chief Financial Officer.

1.2 Proposed changes

1.2.1 This report addresses proposed changes to Parts 3, 4 and 7 of the Council's Constitution.

1.2.2 The first proposed change is in Part 3 of the Constitution, which deals with responsibilities. I propose to add at this section a list of the "authorised officer" provisions granted by Council, the Executive and the Chief Executive. A list of these is set out at **[Annex 1]** to this report and I propose that these be added to Part 3. Members will notice a slight change in the wording in respect of the delegations made by the Executive, which reflects a change introduced since the last meeting of the Cabinet.

1.2.3 The second, is also a change to Part 3, this time the delegations to officers. The delegation to the Chief Solicitor refers to "statutory offences" but, in line with other changes, should now read "criminal offences" and I propose that this change be made.

1.2.4 The next proposed change is in Part 4 of the Constitution, which deals with the procedure rules. Proviso (3) the Council and Committee Procedure Rule 15.21 (adopted in December 2005) provides that, in the case of the Audit Committee, non-members may attend meetings of the committee but may not speak or vote. Following the inaugural meeting of the Committee, it was considered that this

requirement was too restrictive, and it is proposed that this be amended to read as follows:

(3) in the case of the Audit Committee, subject to rule 15.21A, members may attend meetings of the committee and may, with the consent of the chairman, speak, but may not vote.

1.2.5 The other proposed change relates to Part 7 of the Constitution, which deals with management structures and responsibilities. As members will know, there have been a number of changes made recently and I propose that I be authorised to update this section of the Constitution.

1.3 Recommendation

1.3.1 It is **recommended** that the Monitoring Officer be authorised to make the changes to the Constitution referred to in this report.

Background papers:

Nil

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