

TONBRIDGE & MALLING BOROUGH COUNCIL

COUNCIL

24 April 2007

Report of the Monitoring Officer

Part 1- Public

Matters For Decision

1 UPDATES 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). He is also required to consult the Council's other statutory officers, the Head of Paid Service and the Chief Financial Officer, which I have done in respect of the proposals contained in this report.

1.2 Article 4 – Policy Framework

1.2.1 Article 4.01(a) sets out the Council's Policy Framework. The list contained in the present version of the constitution has been considerably changed by Council: new policies have been adopted and others have been replaced.

1.2.2 The new list of policies is set out in Part 1 of the Annex to this report and it is recommended that Council agree this list to substitute for that presently contained in the Constitution.

1.3 Concessionary fares

1.3.1 At its meeting on 6 February 2007, the Cabinet resolved that authority be delegated to the Central Services Director, in consultation with the Director of Finance, to agree detailed amendments to the Kent Countywide Concessionary Travel Scheme documents for 2007/08 and this be added to the scheme of delegations to officers in the Constitution (Decision notice D070037CAB). This was added to the Council's Constitution at the last meeting of Council as delegation CSD 301. However, as negotiations are now under way for 2008/2009 and subsequent years, it is recommended that this delegation be amended by the deletion of the words "for 2007/2008".

- 1.3.2 The revised wording for this delegation is set out in Part 2 of the Annex to this report.

1.4 Standards Committee

- 1.4.1 At its meeting on 7 March 2007, the Standards Committee recommended an increase in the number of members of the Committee [Minute ST 07/009].
- 1.4.2 The changes required to implement this recommendation are set out in Part 3 of the Annex to this report and it is recommended that these be adopted by the Council.

1.5 Improvements to the Council's Constitution

- 1.5.1 At its meeting on 4 April 2007, the Cabinet recommended a scheme of changes to the structure and organisation of the Council [Decision notice D070088CAB].
- 1.5.2 The changes to the Executive consist of (a) a decision by the Council to increase the size of the Cabinet and (b) a decision by the Leader as to the various portfolios. Article 7.02 of the Council's Constitution provides that the executive will consist of the executive leader together with at least two, but not more than nine, councillors appointed to the executive by the Council. No change is required to the Council's constitution to give effect to this decision. The Leader has indicated that, subject to the decision to increase the number of members, the revised portfolios set out in part 4 of the Annex to this report be substituted for those existing, and Part 3 of the Council's Constitution needs to be amended accordingly. There is one change from the matters recommended by the Cabinet. I have added to the Portfolio for the Cabinet Member for Environmental Services, to add the following additional Key Task:

2. To represent the Council on the Kent Joint Waste Management Committee.

This is in accordance with the decision of Council on 22 February 2007 [Minute C 07/014].

- 1.5.3 The changes to the advisory boards comprise the merger of some boards, renaming of some boards and the creation of one new board. Details of the revised advisory boards and panels are set out in **[Annex 4]** to this report and Part 3 of the Council's Constitution needs to be amended accordingly.
- 1.5.4 The decision to change the name of the Policy and Best Value Committee to Policy Overview Committee will require the appropriate changes to be made in Parts 2, 3 and 6 of the Council's Constitution. I have not detailed these changes in this report.
- 1.5.5 For legal reasons arising from the provisions of the Licensing Act 2003, the decision to combine the two licensing committees has to be effected by

transferring the functions of the Licensing and Appeals Committee to the Alcohol and Entertainments Licensing Committee and then renaming the latter as the Licensing and Appeals Committee. This will require the appropriate name changes to be made in Parts 2, 3, 4 and 6 of the Council's Constitution and for the terms of reference in Part 3 of the Constitution to be combined. Again, I have not detailed these changes in this report.

- 1.5.6 The change to the frequency of meeting of the Area Planning Committees is not specified in the Constitution, but is specified by Council through the adoption of the programme of meetings, which is adopted at the Council's Annual Meeting.

1.6 Recommendations

- 1.6.1 I am satisfied that all of these changes to the Council's Constitution may lawfully be made.

- 1.6.2 It is **recommended** that:

- 1) the alterations to the Council's Constitution referred to in this report be adopted by the Council; and
- 2) the Monitoring Officer be authorised to make any necessary consequential amendments.

Background papers:

Constitution of the
Tonbridge and Malling Borough Council

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