

# TONBRIDGE & MALLING BOROUGH COUNCIL

## COUNCIL

25 September 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 Recommendations from Cabinet and Committees

1.2.1 A number of changes to the constitution are being recommended to this meeting by the Cabinet and by the Licensing and Appeal Committee, as follows:

- (1) the appointment of inspectors under the Animal Welfare Act 2006 (Cabinet Decision Notice No. 070157CAB);
- (2) changes in the delegations arising from the Charities Act 2006 (Licensing and Appeals Committee minute LA 07/028); and
- (3) changes in the delegations arising from the Animal Welfare Act 2006 (Licensing and Appeals Committee minute LA 07/029)

1.2.2 Following upon the adoption of the LDF, there is a consequential amendment to be made to the delegations to the Area Planning Committees in Part 3 (Responsibilities) of the Council. In delegation 1, the words "Structure Plan, the Town Map, the Local Plan, approved Town Centre Map" should be deleted and the words "Development Plan" should be substituted.

#### 1.3 Legal Implications

1.3.1 None

#### **1.4 Financial and Value for Money Considerations**

1.4.1 Not applicable

#### **1.5 Risk Assessment**

1.5.1 Not applicable

#### **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:

Animal Welfare Act 2006  
Charities Act 2006  
Constitution of the  
Tonbridge and Malling Borough Council

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