

TONBRIDGE & MALLING BOROUGH COUNCIL

COUNCIL

21 November 2012

Report of the Monitoring Officer

Part 1- Public

For Decision

1 CHANGES TO THE CONSTITUTION – COMMUNITY RIGHT TO BID

1.1 Introduction

1.1.1 This report accompanies the report of the Management Team to Cabinet on 19 November 2012 on new provisions relating to the Community Right to Bid.

1.1.2 The report of Management Team proposes that delegated authority be given to

(a) The Corporate Services Manager to assess each community asset nomination received; the Chief Executive to determine any subsequent request for review;

(b) The Central Services Director to determine applications for compensation; the Chief Executive to determine any subsequent request for review.

1.1.3 In the event that Cabinet is minded to approve the above recommendations, consequential amendments to the Constitution will be required to give effect to the proposed delegations to the Chief Executive, Central Services Director and Corporate Services Manager. This report seeks authority to make the necessary amendments.

1.2 Equality Impact Assessment

1.2.1 See 'Screening for equality impacts' table at end of report.

1.3 Legal Implications

1.3.1 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 full Council after consideration of a report on the proposal from the Council's Monitoring Officer.

1.4 Financial and Value for Money Considerations

1.4.1 None

1.5 Risk Assessment

1.5.1 The proposed changes will allow officers to enforce our statutory duties and powers effectively and efficiently

1.6 Recommendation

1.6.1 It is **RECOMMENDED** that the Monitoring Officer be authorised to amend Part 3 of the Constitution to give effect to the changes outlined at paragraph 1.1.2 above.

Background papers:

contact: Adrian Stanfield

Nil

Adrian Stanfield
Chief Solicitor and Monitoring Officer

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	n/a	
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.