



Full Council
3 March 2014

Subject: Amendments to the Constitution

Report by:

Interim Director

Contact Officer:

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Purpose / Summary:

To advise of proposed changes to the Constitution.

RECOMMENDATION(S):

That Members support and approve, the changes to:

- Land and Purchase Delegations
- Planning Delegations
- Street Naming and Numbering
- Training requirements for the Governance and Audit Committee

IMPLICATIONS

Legal:
The Council is required by law to prepare an up to date Constitution

Financial :
FIN/LP/65/14 None

Staffing
None:

Equality and Diversity including Human Rights :

Risk Assessment :
None

Climate Related Risks and Opportunities :
None

Title and Location of any Background Papers used in the preparation of this report:

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
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Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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1 Introduction

- 1.1 The Council is required by law to prepare and keep up to date a Constitution which explains how the Council operates, how decisions are made and the procedures which are to be followed to ensure that these are efficient, transparent and accountable to local people.
- 1.2 The proposed changes are set out in the appendix and aim to address concerns previously raised by Members
- 1.3 In accordance with the Constitution, this report was considered by the Governance and Audit Committee, at its meeting on 9 January 2013 and fully supported.

2 Next Steps

- 2.1 Further changes will be required in due course following future decisions from the Chief Officer Employment Committee. A subsequent report will be submitted for Council approval at the appropriate time.

Land and Purchase Delegations

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		Chief Executive & Director	Chief Finance Officer	Head of Service	Team Manager	Notes
14.1	<p>Acquisitions and disposals of an item contained in the Approved Capital Programme at full market value. The purchase or sale of land up to £75,000 in value (including leases or easements where the annual rent multiplied by the length of the lease does not exceed that figure assuming that the rent is not increased on review) and between £75,001 and £250,000 only to be undertaken following consultation with the Leader of the Councillor or the Deputy Leader when the Leader is unavailable.</p> <p>In all cases of acquisition and disposals, the use of the delegated power is subject to:</p> <p>14.1.1 In the case of acquisitions, the capital funds to be used form an agreed allocation in the current Capital Programme adopted by Council;</p> <p>14.1.2 Any proposed acquisition or disposal has been subject to an independent valuation, preferably by the District Valuer or some other Royal Institute of Chartered Surveyors independent Valuer;</p> <p>14.1.3 Reporting the completed acquisition, lease, or disposal to the next available Policy & Resources Committee.</p>	✓	✓			Subject to reference to Policy and Resources Committee by the appropriate Director re areas of open space or land in the nature of open space if there is significant public interest in the preservation of the same.

<p>14.2</p>	<p>Acquisition and disposals of an item contained in the Approved Capital Programme at below market value. The purchase or sale of land on the basis set out in paragraph 14.1 where in respect of a purchase the value of the consideration (fee + benefit foregone) does not exceed £75,000 <u>or</u> in respect of a sale the value of the consideration and the undervalue foregone do not together exceed £250,000 only to be undertaken following consultation with the Leader of the Councillor or the Deputy Leader when the Leader is unavailable.</p> <p>14.2.1 In the case of acquisitions, the capital funds to be used form an agreed allocation in the current Capital Programme adopted by Council;</p> <p>14.2.2 Any proposed acquisition or disposal has been subject to an independent valuation, preferably by the District Valuer or some other Royal Institute of Chartered Surveyors independent Valuer;</p> <p>14.2.3 Reporting the completed acquisition, lease or disposal to the next available Policy & Resources Committee.</p> <p>Where a sale is pursuant to Section 123 Local Government Act 1972, Section 32 Housing Act 1985 or Section 25 Local Government Act 1988, consent to the Secretary of State may be sought as necessary.</p>	<p>✓</p>	<p>✓</p>			<p>Subject to reference to Policy and Resources Committee by the appropriate Director re areas of open space or land in the nature of open space if there is significant public interest in the preservation of the same.</p>
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Acquisitions and disposals of land and buildings at full market value.

- 3.4 **Chief Officers and Statutory Officers** may authorise any acquisition or disposal of land and buildings at full market value which is an approved item in the Medium Term Financial Plan (MTFP) and does not exceed £75,000). **Transactions which exceed £75,000 but are less than £250,000 may be authorised by Chief Officers and Statutory Officers following consultation with the Leader of the Council or the Deputy Leader when the Leader is unavailable.**
- 3.4.1 **In the case of acquisitions, the capital funds to be used form an agreed allocation in the current Capital Programme adopted by Council;**
- 3.4.2 **Any proposed acquisition or disposal has been subject to an independent valuation, preferably by the District Valuer or some other Royal Institute of Chartered Surveyors independent Valuer;**
- 3.4.3 **Reporting the completed acquisition, lease or disposal to the next available Policy & Resources Committee.**
- 3.4.4 **Reference to Policy and Resources Committee by the Director of areas of open space or land in the nature of open space if there is significant public interest in the preservation of the same. Where transactions have not been approved within the MTFP the prior approval of the Policy and Resources Committee is required.**

Acquisition and disposals at below market value.

- 3.5 **Chief Officers and Statutory Officers** may authorise any acquisition or disposal of land and buildings at below full market value if approved within the MTFP and consideration (fee plus benefit foregone) does not exceed **£75,000**). **Transactions which exceed £75,000 but are less than £250,000 may be authorised by Chief Officers and Statutory Officers following consultation with the Leader of the Council or the Deputy Leader when the Leader is unavailable.**
- 3.5.1 **In the case of acquisitions, the capital funds to be used form an agreed allocation in the current Capital Programme adopted by Council;**
- 3.5.2 **Any proposed acquisition or disposal has been subject to an independent valuation, preferably by the District Valuer or some other Royal Institute of Chartered Surveyors independent Valuer;**
- 3.5.3 **Reporting the completed acquisition or loan to the next available Policy & Resources Committee.**
- 3.5.4 **Reference to Policy and Resources Committee by the Director of areas of open space or land in the nature of open space if there is significant public interest in the preservation of the same. Where transactions have not been approved within the MTFP the prior approval of the Policy and Resources Committee is required.**

Chief Operating Officer

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Paragraph 1 (b)

It will be for the Head of Service, appropriate Team Manager or Senior Officer within the Development and Neighbourhoods or Strategic Growth to decide, **in consultation with the Chairman of the Planning Committee**, on the basis of the planning reason/s given by the Councillor or planning policies referred to, whether the application should be referred to the Planning Committee for determination.”

Street Naming and Numbering

To approve new street names and numbering in respect of new development submitted by

- a) Parish Councils
- b) Private developers, following approval by the local parish council concerned **and Ward councillors.**

Governance and Audit Committee

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Note: Once appointed to serve or substitute on this committee, members must receive training **prior to approval of the Annual Statement of Accounts.**