

Appendix A

Table of proposed minor amendments to the Constitution to be carried out by the Monitoring Officer

Item No:	Constitution reference	Proposed wording	To replace	Reason for and impact of change
1	B1 para 1.1	General Purposes Committee	Constitution Advisory Group	Updating to reflect current Council arrangements.
2	B5 para 2.2.2.17	"To receive an annual report from the Leader outlining policy priorities for the forthcoming year."	"To receive and consider an annual report..." The change is the deletion of the words "to consider".	At the last AGM some Councillors considered there was a lack of clarity arising from the inclusion of the words "to consider". Amending the sentence as proposed makes the meaning clear.

Item No:	Constitution reference	Proposed wording	To replace	Reason for and impact of change
3	B5 para 2.6.2	Delete wording “ for reporting to the Council for information”.		<p>Deletes the requirement for changes in membership of committees agreed by political group leaders during the course of a year to be reported to Council for noting.</p> <p>Instead, will be reported through the weekly Members’ Information Bulletin. The public can see membership of any committee on the website.</p>
4	B5 para 4.2.1.14	Delete the words “Bedfordshire Police Authority”		Update to reflect change in arrangements. The PCC and PCP cannot be required to report to Council, although there is provision through the constitution to include reports on the Council agenda if they do so.

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5	B5 para 4.2.1.17	After “to answer open questions asked by members of the Council under Rule no 13.7” add “as the final item on the agenda”		Update to reflect established practice
6	D1 table following para 1.1 Terms of Reference of Corporate Resources Overview and Scrutiny Committee	Delete “Office of the Chief Executive” and insert Directorate of Improvement and Corporate Services	Directorate of Corporate Resources	To reflect current directorate arrangements
7	D1 table following para 1.1 Terms of Reference of SusCom O&S Cttee	1 st line insert after” review and scrutiny” insert “community services and regeneration and business support”	Sustainable communities	To reflect current directorate arrangements

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8	E2 para 4.2.2	Replace “twice” with “once” so the paragraph reads “The Council will receive a report from the Chairman of the Audit Committee on the Committee’s activities once each year”.		Update to reflect established practice.
9.	F1 additional para 5.7	“Members must register any gifts and hospitality they receive in the course of undertaking their responsibilities as a Member of the Council where the estimated value exceeds £25.00. Guidance for Members on the receipt of gifts and hospitality is contained in Part 1 of the Ethical Handbook and Members should have regard to that guidance when deciding whether it is appropriate for them to accept gifts and hospitality. A decision to accept a gift and/or hospitality may reflect on the perception of whether Members are acting in the public interest or acting for the personal benefit of themselves or others and, depending on the circumstances, acceptance of a gift or hospitality may give rise to a breach of a number of obligations included in the Council’s Code of Conduct.”	New paragraph at the conclusion of the section on Part F1 Register of Interests.	To clarify how the Council’s Code of Conduct impacts on gifts and hospitality.

Item No:	Constitution reference	Proposed wording	To replace	Reason for and impact of change
10	H1 para 2	Amend the index of chief officers	Delete previous chief officer titles - Director of Sustainable Communities, Assistant Chief Executive – People and Organisation / Resources	Update to reflect titles of officers in the current corporate management team
11	H1, table set out in para 3.1	Add to the table of statutory officer appointments: S3 & S25 Local Government Act 2003 Chief Finance Officer – Assistant Director Financial Services		Update to insert this statutory appointment
12	H1 para 3.4.7	Add to the functions of the Monitoring Officer “Procurement of external legal advice: the Monitoring Officer will advise on the procurement of external legal advice.”		Update to reflect current arrangements

Item No:	Constitution reference	Proposed wording	To replace wording	Reason for and impact of change
13	H1 para 3.5.2	<p>Insert a new paragraph under the functions of the Chief Finance Officer as follows: “Sustainable financial position: 23 & 25 of the Local Government Act 2003 require the Chief Finance Officer to report to the Council at the same time that the budget is considered and the council tax set on the robustness of the budget estimates and the adequacy of financial reserves. He/she must ensure that the guidelines and ratios set down for the purposes of the Prudential Capital regime are adhered to, once fixed, and report to the Council if they are going to be infringed.”</p>		Update – include for completeness.
14	H1 table following para 4.4	<p>Insert new item to follow item 6, and re-number the table items thereafter.</p> <p>New item 7 to read:</p>		To reflect new legislation
15		<p>The Flood and Water Management Act 2012 S21</p>	<p>To maintain a register of structures and features which are likely to have a significant effect on flood risk in the area</p>	Assistant Director Planning

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16	H1 table following para 4.4, final 4 items of the table	Chief legal and Democratic Services Officer and Monitoring Officer	Assistant Director Customers and Systems	To reflect the current appropriate post
17 i	H3 Contents page, section 4	Insert after “Chief Executive” the words “ – including the Chief Finance Officer”	Delete “4.2 Assistant Chief Executive – People and Organisation and Assistant Chief Executive – Resources”	To reflect the current titles of Directors and bring up to date
17 ii	ditto	Insert “4.2 Director of Improvement and Corporate Services – including Monitoring Officer”		As above
17 iii	ditto	Insert “Community Services Director”	Delete “Director of Sustainable Communities”	As above
17 iv	ditto	Insert “Director of Regeneration and Business Services”		As above
17 v	ditto	Insert correct page numbers as appropriate		To bring up to date

Item No:	Constitution reference	Proposed wording	To replace wording	Reason for and impact of change
18	H3 para 3	Delete “and each Assistant Chief Executive”		To reflect the current posts within the Corporate Management Team
19	H3 para 3.2.1.3	Delete “the two Assistant Chief Executives”		As above
20	Part H3 beneath section 4.1 Chief Executive	Move all the delegations relating to the Chief Finance Officer to here and renumber paragraphs appropriately		To reflect the position of the Chief Finance Officer as reporting to the Chief Executive
21	Part H3	Under Chief Finance Officer – Revenues and Benefits –Council Tax and National Non-domestic rates: Insert: “To operate a Collection Fund for Council Tax and National Non-Domestic Rates in accordance with section 89 of the Local Government Finance Act 1988 (as amended by the Local Government Finance Act 1992) and the regulations, specifications and directions made under the Acts.”		To update for completeness

Item No:	Constitution reference	Proposed wording	To replace wording	Reason for and impact of change
22	H3 Chief Finance Officer section	The current provisions for determining rate relief for charitable bodies no longer to require the prior approval of the appropriate Executive Member.		To correct, to reflect best practice
23	H3 Chief Finance Officer	The current provisions for determining rate relief for businesses suffering hardship no longer to require the prior approval of the appropriate Executive member		To correct, to reflect best practice
24	H3 Chief Finance Officer	Provision “to determine the Council Tax Base” to reflect updated legislation. Delete “Local Government Finance Act” and insert “Local Authority Calculation of Council Tax Base (England) Regulation 2012. Also delete the Qualification and insert “none”		To update with the correct legislation. Removes the requirement for prior consultation with the Executive Member

Item No:	Constitution reference	Proposed wording	To replace wording	Reason for and impact of change
25	H3 Chief Finance Officer	Amend para to read "to make all lease arrangements"	Delete words "finance and operating" from this sentence	To update and remove ambiguity
26	H3 section 4.2	Insert the title "Director of Improvement and Corporate Services"	Delete "Assistant Chief Executive – People and Organisation"	To reflect the current title within the Corporate Management Team Structure
27	H3 section 4.2	<p>Add under the Director of Improvement and Corporate Services the delegations relating to</p> <ul style="list-style-type: none"> • Communications • Policy and Performance • Complaints • Data Protection and Freedom of Information • Registration and Coroner's Service <p>Renumber all paragraphs as appropriate</p>	Delete the word "Partnerships" from the previous heading "Policy, Partnerships and Performance"	<p>To reflect the delegations within the current Corporate Management Team structure</p> <p>There is a general delegation to all Directors for partnerships so no need for a specific reference</p>

Item No:	Constitution reference	Proposed wording	To replace wording	Reason for and impact of change
28	H3 para 4.3	Insert title "Community Services Director"	Delete "Director of Sustainable Communities"	To reflect the delegations within the current Corporate Management Team structure
29	H3 para 4.3.7	Against the provision" to grant and sign licences for hackney carriage and private hire vehicles" delete the wording under the Qualification, as follows: "Applications shall be determined by the Licensing Committee where the officer considers that the applicant may not be a fit an proper person to hold a license"		This is a correction. The qualification should have been removed at an earlier point. The officer has set out in her job description the full delegation to determine such licences without any qualifier.
30	H3 para 4.3.31	Re-draft to read "to determine, suspend or revoke licences in relation to scrap yards and grant Collectors Licences under the Scrap Metal Dealers Act 2013		This updates in line with new legislation. Previous legislation (1964 Scrap metal Dealers Act) only made provision for the licensing of scrap yards.

Item No:	Constitution reference	Proposed wording	To replace wording	Reason for and impact of change
31	H3 starting at para 4.3. 58	Move the sections on <ul style="list-style-type: none"> • Economic Growth and Regeneration; and • Planning and Development Strategy • Development Management • Adult and Community Learning to within the Director of Regeneration and Business Support's delegations		This is an updating to reflect the Corporate Management Team structure and specific delegations
32	H3 section on Waste	Add an additional bullet point: The Control of Pollution (Amendment) Act 1989		To update with relevant legislation
33	H3 new section 4.4	Insert all the delegations for the Director of Regeneration and Business Development, which are: <ul style="list-style-type: none"> • Economic Growth and Regeneration • Planning and Development Strategy • Development Management • Adult and Community Learning 		Update to reflect Corporate Management Team structure and responsibilities

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34	H3, within Director of Regeneration and Business Support's delegations para 4.4.21.2.3	Delete the sub para "the application or matter is contrary to other approved Council Planning policies or Supplementary Planning Guidance and is recommended for approval"		To update in line with current practice
35	H3 para 4.4.2.1.4	Insert title "Head of Development Management"	Delete "Assistant Director, Planning"	To update in line with current structures
36	H3 para 4.4.22.3	Delete wording "conservation area consent except the Council's own proposals which might need to be referred to the Secretary of State for determination" and renumber thereafter		Update in line with current practices
37	H3 4.4.22.10	Delete wording "comply with planning policy and/or supplementary planning policy guidance" with "are in conformity with the outline permissions"		To update in line with current practices

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38	H3 4.4.32	Replace "Assistant Director" with "Head of Service for"		To reflect current structures
39	Add a new para 4.4.37.5	Consultation by the Planning Inspectorate for Development Consent Orders	In consultation with the Executive Member for Planning	To reflect current practice
40	H3 para 4.4.44	Add, following "Section 70 A" "70B and 70C"		To update
41	H3 para 63	Delete the paragraph, ie the wording "to revise the hourly rate for the provision of Access Auditing services as may be required to cover costs"		Update to reflect current practices
42	H3 new para to follow para 4.4.65	"to exercise functions of the authority in relation to the requirements of the Flood and Water Management Act 2010		To reflect legislation

Item No:	Constitution reference	Proposed wording	To replace wording	Reason for and impact of change
43	J2 para 2. 6	<p>Add "South East Midlands Local Transport Board</p> <p>To serve as a joint committee of the Executives of Central Bedfordshire Council, Bedford Borough Council and Luton Borough Council as set out in the Assurance Framework"</p>		Update, to reflect arrangements put in place during 2012/13
44	Part I2, throughout	Delete all references to Assistant Chief Executives		Update to reflect current Chief officer structure