

REPORT TO FULL COUNCIL



DATE	3rd September 2008
PORTFOLIO	None
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Amendment to Parts 2 and 3 of the Council's Constitution

PURPOSE

1. To consider an amendment to Part 3 of the Council's constitution in relation to the Scheme of delegation for the Head of Streetscene relating to the Environmental Protection Act 1990.

To consider an amendment to the Terms of Reference for the Standards Committee as contained in Part 2 of the Council's Constitution.

RECOMMENDATION

2. 1. That Full Council amends Part 3 of the Council's Constitution to change Paragraph 11 of the delegation to the Head of Streetscene to the following;

"All environmental and cleansing issues under any relevant statutory provision contained within the Environmental Protection Act and all relevant regulations made under that Act, including where appropriate the service of any notice."

2. That Full Council amends Part 2, Article 9 of the Council's Constitution to the following:

9.01 **Standards Committee**

The Council has established a Standards Committee

9.02 **Membership**

- a) The Standards Committee will comprise six members (two Councillors, two independent members and two Parish Councillors who are not also Members of this Council.
- b) The Councillor members of the Committee must be appointed by a majority of the Council.
- c) The independent and Parish Council members must be appointed by a majority of the Council acting upon a recommendation of the Chief Executive in consultation with the Group Leaders.
- d) The Committee will be Chaired by an independent member. The Council may appoint a Deputy Chair, who must also be an independent member.

- e) That none of the members of the Committee be Executive Members.

9.03 **Role and Functions**

Reference to Council under this part shall be a reference to any authority that comes under the jurisdiction of the Standards Committee.

That the terms of reference of the Committee are: -

- Promoting and maintaining high standards of conduct by Members and Co-opted Members of the Council
- Assisting Members and Co-opted members to observe the Council's Code of Conduct
- Advising the Council on the adoption or revision of the Code of Conduct
- Monitoring the operation of the Council's Code of Conduct
- Advising, training or arranging to train Members and Co-opted Members on matters relating to the Council's Code of Conduct
- Handling and deciding complaints about Members arising under the Council's Code of Conduct for Members.
- Considering a code on acceptance of gifts and hospitality
- Considering a code on Members' use of Council-provided information technology equipment
- All the above in relation to Parish Councils (but only when relevant legislation requires this).
- Consider the Authority's Code of Conduct for Employees and Whistleblowing Policy

REASONS FOR RECOMMENDATION

3. 1. To clarify the delegation to the Head of Streetscene regarding the EPA 1990.
2. To ensure that the terms of reference for the Standards Committee are relevant to current working requirements and are in accordance with Statutory requirements.

SUMMARY OF KEY POINTS

4. Paragraph 11 of the delegation to Head of Streetscene currently reads:
"All environmental and cleansing issues under any relevant statutory provision contained within The Environmental Protection Act 1990 and all relevant regulations made under that act, including where appropriate to serve notices under Section 80 of the EPA 1990."

There is no need to single out Section 80 of the EPA 1990 as opposed to any other statutory notice under the Act.

It is proposed that the wording be altered to read:

"All environmental and cleansing issues under any relevant statutory provision contained within the Environmental Protection Act 1990 and all relevant regulations made under that Act, including where appropriate the service of any notice."

The proposed Terms of Reference for the Standards Committee have been amended to reflect a series of statutory and administrative changes, included the powers granted to the Committee from the 8th May 2008 in relation to investigation and hearing of complaints about Councillors.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

5. None

POLICY IMPLICATIONS

6. None.

DETAILS OF CONSULTATION

7. Member Structures and Support Officer Group
Member Structures and Support Working Group

BACKGROUND PAPERS

8. None

FURTHER INFORMATION

PLEASE CONTACT:

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ALSO: