

CITY COUNCIL – 14 NOVEMBER 2016

REPORT OF THE LEADER

AMENDMENTS TO THE CONSTITUTION

1 SUMMARY

- 1.1 The Local Government Act 2000 requires Council to keep its Constitution up to date. Amendments to be reported and/ or agreed are outlined below.
- 1.2 Councillors may wish to make reference to the current Constitution, Version 7.21, which can be viewed on line via the following link:
<http://www.nottinghamcity.gov.uk/about-the-council/nottingham-city-councils-constitution/>. If you have any difficulty accessing the Constitution, please contact Constitutional Services on 0115 8763759.

2 RECOMMENDATIONS

- 2.1 To note the addition of Community Centres to the responsibilities of the Portfolio Holder for Strategic Regeneration as agreed by the Leader of the Council and outlined in paragraph 5.2;
- 2.2 To note the revised/ new executive delegations as agreed by the Leader of the Council outlined in paragraph 5.3 and Appendix One;
- 2.3 To agree the new/ revised non-executive delegations outlined in paragraph 5.4 and Appendix One;
- 2.4 To approve the amendments of the Constitution required by the above changes.

3 REASONS FOR RECOMMENDATIONS

- 3.1 The Local Government Act 2000 requires Council to keep its Constitution up to date.

4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 4.1 The Constitution ensures clarity of rights and duties to enable the Council to conduct its business lawfully and in line with Council policy. Not to update the Constitution is therefore not an option.

5 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 5.1 The Constitution needs to be updated regularly to reflect changes in legislation and to ensure clarity of rights and duties. This report is submitted further to reports presented to Council in September 2016 and March 2016, together with the revisions presented at the Annual meeting of the Council in May.
- 5.2 **Community Centres**
In order to support the timely processing of decisions relating to Community Centres, authority to approve matters in relation to Community Centres has been added to the portfolio responsibilities of the Portfolio Holder for Strategic Regeneration as outlined in section 7 of Part 2 of the Constitution. Council is asked to note this change.

5.3 **Amendments to the table of delegations (Executive)**

The Leader of the Council has agreed changes to a number of delegations for clarification and new delegations to provide officers with the necessary powers to meet existing duties and/ or duties of new legislation. The agreed changes relate to:

- a) To carry out eviction proceedings following the expiry of the duty to provide interim homelessness accommodation, following the issuing of reasonable written notice. To be added as a new delegation 252b(i);
- b) To instruct the recovery of possession of land where illegal encampments exist. Delegation 251 has been amended to clarify authorisation routes and powers held;
- c) Amendment of delegation 127(a) Public Space Protection Orders (PSPOs) to clarify consultation and approval of the variation, extension or revocation of PSPOs.

5.4 **Amendments to the table of delegations (Non-Executive)**

Council is asked to approve the amendment to delegation 155 to enable the Director of Community Protection to authorise notices under s151 of the Highways Act 1980 (also contained within Appendix One).

6 **FINANCE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY)**

6.1 The proposals in this report have no significant financial implications for the Council.

7 **LEGAL AND PROCUREMENT COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)**

7.1 The Council would be in breach of its statutory duty if it did not update its constitution and it is essential that there is clarity for councillors, colleagues, partners and citizens about rights and duties.

8 **EQUALITY IMPACT ASSESSMENT (EIA)**

8.1 An equality impact assessment of this proposal is not needed as it does not involve new or changing policies, services or functions, or financial decisions which will have an effect on services.

9 **LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION**

9.1 None.

10 **PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT**

10.1 The Council's Constitution version 7.21

**COUNCILLOR JON COLLINS
LEADER OF THE COUNCIL**

New and amended executive delegations which have been agreed by the Leader

New and amended non-executive delegations for approval by Council

(Struck through – to be deleted/ Bold – to be added)

Evictions Following the Expiry of Duty to Provide Interim Homelessness Accommodation

New delegation.

No	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
252b(i)	<p><u>Evictions Following the Expiry of Duty to Provide Interim Homelessness Accommodation</u> To carry out eviction proceedings following the expiry of the duty to provide interim homelessness accommodation in accordance with s188 of the Housing Act 1996 following the issuing of reasonable written notice and with the assistance of a private bailiff and in accordance with City Council procedures.</p>	s.188 Housing Act 1996 (as amended)	Executive	Head of Housing Solutions

Recovery of Land (Executive)

Amended to enable appropriate officers to instruct the recovery of possession of land where illegal encampments exist. This amendment clarifies authorisation routes and powers held.

No	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
251	<u>Land and Property – Recovery of Land</u> To authorise recovery of possession of land and property from trespassers	-	Executive	Corporate Director for Development and Growth Director for Strategic Asset and Property Management Director for Legal and Democratic Services Legal Services Manager(s) Director of Community Protection

Public Space Protection Orders (PSPOs) (Executive)

Amended to clarify consultation and approval of the variation, extension or revocation of PSPOs.

No	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
127(a)	<p><u>Public Spaces Protection Orders (PSPOs)</u> To commence consultation on (which includes the necessary publicity and necessary notification) and approve the making, variation, extension or discharge of Public Spaces Protection Orders in the following circumstances:</p> <ul style="list-style-type: none"> • Where a proposed PSPO (or proposed variation, extension or discharge of a PSPO), in the opinion of the relevant Director, is significant or likely to be politically sensitive or contentious, the relevant Portfolio Holder is responsible for commencing the consultation process via a Portfolio Holder Decision. <p>Executive Board is responsible for deciding whether to approve the making variation, extension or discharge of the order following the consultation.</p> <ul style="list-style-type: none"> • Where a proposed PSPO or proposed variation, extension or discharge of a PSPO impacts on the City Centre (ie crosses several ward areas), and therefore impacts on those working in or visiting the City Centre as well as residents (and is not deemed by the relevant Director to be politically contentious or sensitive), the Director of Community Protection is responsible for commencing the consultation process. <p>The relevant Portfolio Holder is responsible for deciding</p>	Anti-social Behaviour, Crime and Policing Act 2014 –Part 4, Chapter 2	Executive	<p>Relevant Portfolio Holder</p> <p>Executive Board</p> <p>Director of Community Protection</p>

	<p>whether to approve the making, variation, extension or discharge of the order following consultation.</p> <ul style="list-style-type: none"> Where a proposed PSPO (or proposed variation, extension or discharge of a PSPO) impacts only on part of the city covered by one Area Committee (and is not deemed by the relevant Director to be politically contentious or sensitive) the Director of Community Protection is responsible for commencing the consultation process. <p>The relevant Area Committee is responsible for deciding whether to approve the making, variation, extension or discharge of the order following consultation.</p>			<p>Relevant Portfolio Holder</p> <p>Director of Community Protection</p> <p>Relevant Area Committee</p>
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Obstruction and other items on the Highway (Non-Executive)

Amended to enable officers to instruct the power to service notice under section 151 of the Highways Act 1980 as this power is not specifically delegated within the Council's Scheme of Delegation.

No	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
155	Action in relation to obstructions and other items on the Highway Power to take action in relation to obstructions, structures, things deposited and booths placed on or over the highway.	Highways Act 1980 - Section 130A, 137, 137ZA, 143, 148, 149, 151 154,155, 161 and 162	Non-Executive	Corporate Director for Development and Growth Corporate Director for Communities Director for Community Protection