

**Agenda Item No:**

**Report No:**

**Report Title:** Updates to Constitution: Responsibility for Functions and Localism Act 2011 duties

**Report To:** Council

**Date:** 16 October 2013

**Ward(s) Affected:** All

**Report By:** Corporate Head – Legal and Democratic Services

**Contact Officer(s)-**

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**Purpose of Report:**

To update the Constitution to reflect the amendments recommended by the Constitution Working Party in respect of the Responsibility for Functions.

To update the Constitution to reflect the local authority duties under the Localism Act 2011.

**Officers Recommendation(s):**

- 1 That the changes to the Responsibility for Functions, as set out in Appendix A to this Report, be approved;
  - 2 That the local authority duties under the Localism Act 2011, as set out in Appendix B to this Report, be noted; and
  - 3 That the Corporate Head – Legal and Democratic Services updates the Constitution to reflect the changes and duties set out in this Report.
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**Reasons for Recommendations**

- 1 To ensure that the Constitution is kept updated in light of the Council's arrangements and current legislation.

**Information**

**Constitution Working Party**

- 2 The Constitution Working Party met on 25 October 2012 to look at the Responsibility for Functions section of the Constitution and the suggested revisions of the Working Party are attached for Council to approve.

### **Executive (Leader and Cabinet) Functions**

- 3 The text inserted into pages C2 and C3 in Appendix A has been moved forward from further back in this part of the Constitution (previously on pages C20 and C21) as it now sits more appropriately here. It eliminates duplication of wording and tidies up this section of the Constitution.
- 4 To enable the roles of Cabinet Members to be searched more easily, live links have been added to page C4. Live links will also be added to the Council's website to assist members of the public when searching for which Cabinet Members are responsible for which functions.

### **Council Functions**

- 5 To eliminate duplication of wording, the text has been removed from the Council Functions table on pages C17 to C22 as it is replicated elsewhere in the Constitution, either within the relevant committee's remit or its article.
- 6 To assist searches for these Council Functions within the Constitution, live links will be added for each committee mentioned in this section which will take users straight to the appropriate remit or article.

### **Localism Act 2011 – local authority duties**

- 7 The Localism Act 2011 brought in new local authority powers and duties, as set out in the table in Appendix B.
- 8 The Corporate Head – Legal and Democratic Services is authorised to make the legislative changes to the Council's duties under the Localism Act 2011 as a matter of law.

### **Financial Appraisal**

- 9 There are no significant financial implications arising from these recommendations.

### **Sustainability Implications**

- 10 I have completed the Sustainability Implications Questionnaire and there are no significant effects as a result of these recommendations.

### **Risk Management Implications**

- 11 There are no risk management implications arising as a result of these recommendations. If the recommendations are not implemented, the main risk will be that the Constitution is not updated and does not reflect the Council's current arrangements and legislative requirements.

### **Equality Screening**

- 12 I have completed the initial Equality Analysis screening exercise and no potential negative impacts were identified as a result of these recommendations. Therefore, a full Equality Analysis is not required.

## **Background Papers**

**13** None

## **Appendices**

**14** **Appendix A** - Constitution Part 3, pages C1 to C4, and C17 to C22 –  
Responsibility for Functions  
**Appendix B** – Localism Act 2011 – new local authority duties