

Report to Cabinet
11 March 2015
Report of Executive head of business relationship management and democracy
Subject Constitution review

Item

17

Purpose

To consider changes to the council's constitution to revise Appendix 9, Statutory and proper officers to reflect changes within the organisation and current legislation; and Appendix 4, Terms of reference of committees, to clarify the terms of reference for the planning applications committee in relation to the confirmation and revocation of tree preservation orders.

Recommendation

To recommend council to adopt the:

- (1) revised version of Appendix 9, Statutory and proper officers (as attached to this report at appendix A);
- (2) amendment to the planning applications committee's terms of reference (Appendix 4, Terms of reference of committees) by the insertion of an additional term of reference:

Power to confirm and revoke tree preservation orders

Corporate and service priorities

The report helps to meet the corporate priority to provide value for money services and the service priority to maintain the council's constitution.

Financial implications

There are no direct financial consequences arising from this report.

Ward/s: All wards

Cabinet member: Councillor Waters- Deputy Leader and resources

Contact officers

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Background documents

None

Report

Introduction

1. At its meeting on 22 March 2011, the council considered changes to the council's constitution and agreed to ask the constitution working party to conduct a fundamental review of the constitution.
2. At its meeting on 12 January 2015, the working party considered the revision of the council's statutory and proper officer appointments and the terms of reference for the planning applications committee in relation to tree preservation orders.

Statutory and proper officer appointments

3. Under Article 12 of the council's constitution, the council designates proper officers to carry out functions allocated to proper officers by law. Appendix 9 of the councils' constitution lists the council's statutory and proper officer appointments. The term proper officer is set out in the Local Government Act 1972, s270(3).
4. As part of the fundamental review of the council's constitution officers have reviewed Appendix 9, Statutory and proper officer appointments to reflect changes in the organisation and legislation. As part of this process the documents was compared with constitutions of other similar councils to ensure that all the relevant legislation and powers had been included. The revised Appendix 9 is appended to this report.
5. Appendix 9 also contains the protocols for the monitoring officer and chief finance officer which are also being reviewed as the functions of these officers are set out elsewhere in the council's constitution and will be considered by the working party at a later date.

Planning applications committee terms of reference

6. To clarify the decision making process in relation to the confirmation or revocation of Tree Preservation Orders and to amend the planning application committee's terms of reference in Appendix 4.
7. As part of the review of the council's constitution the terms of reference for the planning applications have been reviewed. The planning applications committee confirms and revokes tree preservation orders. Although various powers are listed in the planning terms of reference in relation to tree preservation orders, the terms of reference do not clearly state that the committee has the power to confirm or revoke tree preservation orders. This report seeks to clarify the decision making process for tree preservation orders.
8. The planning applications committee has delegated the power to confirm tree preservation orders where there are no objections to the head of planning services.
9. An additional term of reference will clarify that the planning applications committee has the power to confirm and revoke tree preservation orders. The working party endorsed the proposal to amend the planning applications committee's terms of reference by the insertion of "Power to confirm and revoke tree preservation orders".

Integrated impact assessment



NORWICH
City Council

The IIA should assess **the impact of the recommendation** being made by the report

Detailed guidance to help with completing the assessment can be found [here](#). Delete this row after completion

Report author to complete

Committee:	Cabinet
Committee date:	11 March 2015
Head of service:	Executive head of business relationship management and democracy
Report subject:	Constitution review
Date assessed:	24 February 2015
Description:	Part of the council's fundamental review of the council's constitution and regular maintenance of the constitution.

	Impact			
Economic (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Finance (value for money)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Other departments and services e.g. office facilities, customer contact	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
ICT services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Economic development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Financial inclusion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Social (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Safeguarding children and adults	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<u>S17 crime and disorder act 1998</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Human Rights Act 1998	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Health and well being	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Equality and diversity (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Relations between groups (cohesion)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

	Impact			
Eliminating discrimination & harassment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Advancing equality of opportunity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Environmental (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Transportation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Natural and built environment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Waste minimisation & resource use	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Pollution	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Sustainable procurement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Energy and climate change	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(Please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Risk management	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Recommendations from impact assessment

Positive

Negative

Neutral

Issues