

Report sponsor: Paul Simpson, Strategic
Director of Corporate Resources
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Democracy

Constitutional Amendments

Purpose

- 1.1 This report seeks to make amendments to the Council Constitution in relation to the following matters:
 - Effective delivery of Council resolutions
 - New legislation affecting Trading Standards enforcement
- 1.2 Councillors have previously expressed concern that resolutions of Council resulting from notices of motion have not been implemented effectively. This report seeks to amend the Constitution accordingly, to reserve responsibility to the Chief Executive for the delivery of council resolutions, unless otherwise stipulated.
- 1.3 Recent changes in legislation have resulted in additional powers being granted to the council in relation to Trading Standards, which require authorisation before being added to warrants for enforcement purposes.
- 1.4 This report seeks to amend the Council Constitution to provide the necessary authorisation for officers to discharge powers granted under the Tenant Fees Act 2019; the Animal Feed (Basic Safety Standards) (England) Regulations 2019; and, the Offensive Weapons Act 2019.

Recommendations

- 2.1 To reserve to the Chief Executive responsibility for the delivery of resolutions of Council, unless otherwise stipulated.
- 2.2 To grant authority to the Director of Public Protection and Streetpride to appoint authorised or proper officers for the purposes of enforcement of the Tenant Fees Act 2019; the Animal Feed (Basic Safety Standards) (England) Regulations 2019; and, the Offensive Weapons Act 2019.
- 2.3 To authorise the Monitoring Officer to make appropriate amendments to the Scheme of Delegations within the Council Constitution.

Reasons

- 3.1 To ensure resolutions are implemented effectively and that any resulting actions are delegated effectively across the council.

- 3.2 To ensure legislation granting powers to officers within the Scheme of Delegations is up to date and accurate.

Supporting information

4.1 Notices of Motion

Councillors have previously expressed concern that resolutions of Council resulting from notices of motion have not been effectively implemented. This can often be because resulting actions are not always easily attributable to services or officers within the corporate structure.

- 4.2 To ensure Council resolutions are actioned as quickly as possible, a change to the Scheme of Delegations is proposed that reserves responsibility to the Chief Executive for their delivery, unless the wording of the resolution states otherwise. This will ensure resulting actions are effectively delegated across the council.

4.3 Legislation affecting Trading Standards

The Tenant Fees Act 2019 places a duty on the council (as the local weights and measures authority) in respect of prohibitions placed upon landlords and letting agents, and for compliance with holding deposit protection schemes.

- 4.4 The Animal Feed (Basic Safety Standards) (England) Regulations 2019 are made partially under the Agriculture Act 1970 and partly under the European Communities Act 1972. The regulations impose a duty of enforcement on the council as the feed authority, and provide that a person commits an offence if they intentionally add any radioactive substance to animal feed during the production process.

- 4.5 The Offensive Weapons Act 2019 provides that the local weights and measures authority may enforce within its area a range of offences relating to the supply of specified offensive weapons and corrosive substances to underage persons, detailed under Section 64 of the Act.

A commencement order for the Act has yet to be issued, however it is anticipated that this will take place in the near future and therefore should be added to the authorisations of officers at this stage.

Public/stakeholder engagement

- 5.1 The proposed changes relating to Council resolutions follow discussions between Group Leaders and the Chief Executive.
- 5.2 The proposals resulting from legislative changes have been prepared in consultation with colleagues in Trading Standards and Legal Services.

Other options

- 6.1 None.

Financial and value for money issues

7.1 None.

Legal implications

8.1 Ensuring officers are properly authorised protects the council against the risk that use of the powers detailed in the report are challenged.

Other significant implications

9.1 None.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	Olu Idowu, Head of Legal Services	17/09/2019
Finance		
Service Director(s)	Emily Feenan, Director of Legal, Procurement and Democratic Services	17/09/2019
Report sponsor	Paul Simpson, Strategic Director of Corporate Resources	17/09/2019
Other(s)	Fakir Osman, Trading Standards Team Leader	10/09/2019

Background papers:	None
List of appendices:	None