

**COUNCIL  
24 APRIL 2003**

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**AMENDMENTS TO THE COUNCIL CONSTITUTION  
(Acting Director of Corporate Services)**

- 1.1 The Constitution Review Group has met twice in the current municipal year to review the operation of the Council's Constitution. A number of issues have arisen since the Constitution was adopted in November 2001 and the Constitution Review Group has considered how these should be addressed. The Group's recommendations are set out in Annexe A to this report. They have been considered by the Monitoring Officer, as required by Article 15 of the Constitution.
- 1.2 The report also puts forward a small number of technical amendments required to reflect the requirements of the Accounts and Audit Regulations 2003.

**2 RECOMMENDATIONS**

- 2.1 That, arising from the recommendations of the Constitution Review Group, the following amendments to the Constitution be approved**

*Article 4 – The Council Meeting*

- (i) **The reference to the Community Care Plan should be deleted from the list of Policy Framework documents and replaced with Health Improvement and other relevant plans and strategies.**

*Part 3 – Responsibility for Functions*

- (ii) **The Executive Appeals and Grants Panel should be replaced by an Appeals Committee appointed by the Council. Voluntary grants should be dealt with by the appropriate Executive Member.**

*Council Functions.*

- (iii) **Air quality and contaminated land should be deleted from the list of executive functions and remain as a function of the Licensing & Safety Committee.**
- (iv) **The Community Safety Strategy should be listed as an executive function.**

*Powers Exercisable by Officers*

- (v) **Item 2 (b)(iv) of powers exercisable by officers (disposal of freehold interest in land) should be deleted, as it conflicts with Financial Regulations and the specific authorisation to the Assistant Director of Environment (Resources).**
- (vi) **That the authorisations to the Assistant Director of Environment (Resources) be amended as follows:**

**J6. Acquire freehold interest in land, subject to the acquisition having been previously agreed in principle by or on behalf of the Executive and the consideration not exceeding £500,000.**

**J16. Dispose of the Council's interest in surplus land not exceeding 0.2 hectares or £500,000 subject to disposal having been previously agreed in principle by or on behalf of the Council or Executive**

**(vii) That the framework for onward delegation of Executive powers be amended as follows:**

**Disposal of Land and Buildings:**

**Less than 0.5 hectares or not exceeding £500,000 – Executive Committee**

**In excess of 0.5 hectares or above £500,000 – whole Executive**

*Table 1 – Chief Executive and Directors – General Powers*

**(viii) The Chief Executive and Directors to be authorised to respond to government consultation papers published by or on behalf of the government or a government agency.**

**(ix) The references to single tender action and related financial limits be amended to conform to the recently approved Contract Procedure Rules.**

**(x) The Chief Executive and Directors to be authorised to release section 106 funds where included in an approved capital budget, in consultation with the appropriate Executive Member.**

*Part 4.3 Budget and Policy Framework Procedure Rules*

**(xi) Subject to agreement by the Leader, individual Executive members be authorised to approve initial budgets/policy proposals for publication as consultation drafts.**

**(xii) That Rule 3 (a) be amended to provide for the Leader to seek a short adjournment of a Council meeting to consider amending Executive proposals submitted to the Council for its approval and for Council to consider any amendments on reconvening.**

*Protocol for Decision Making*

**(xiii) That the exception and urgency procedures be extended to non-key decisions in addition to key decisions.**

**(xiv) That the requirement to consult with the Chief Executive on exception and urgency procedures in the first instance be abolished.**

**(xv) That the protocol should refer to officers using “best endeavours” to include all non-key decisions in the work programme but accept that this is not always practical.**

**2.2 That Financial Regulation 31 “Rendering of Accounts and Bad Debt Write Offs” be amended as set out in Annexe B.**

- 2.4 That the Monitoring Officer be authorised to make any other minor amendments to the Constitution arising as a direct consequence of the above changes.

### 3 SUPPORTING INFORMATION

#### Constitution Review Group

- 3.1 The issues considered by the Constitution Review Group during the year are set out in Annexe A, together with appropriate recommendations, which have been referred to the monitoring officer for consideration. Some of the recommendations have since been superseded by other decisions. Where the recommendations have not been put forward for the Council's approval, appropriate explanatory comments have been added to the Annexe.

#### Rendering of Accounts and Bad Debts Write off

- 3.2 From 1 April 2003 uncollectable or bad debts can only be written off by the Section 151 officer or a nominated member of his staff. Currently the Council's Financial Procedure Rules within the Constitution specify (in FR 31 "Rendering of Accounts and Bad Debt Write Off" that:

"Directors responsible for recovering debts arising in their departments shall have authority to write off debts up to £5,000 without consultation with any member of the Executive and up to £20,000 following consultation with Executive Members in respect of any one item, being satisfied that no major principle is involved and that proper steps have been taken to mitigate loss and prevent a recurrence of it."

- 3.3 It is necessary to amend the Financial Regulations to comply with the legal position. An amended form of words is set out in Annexe B to this report.

### 3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

#### Borough Solicitor

The Borough Solicitor's comments have been incorporated.

#### Section 151 Officer

There are no additional financial obligations arising from this report.

#### Access Implications

There are no access implications.

#### Background Papers

Agenda and Minutes Constitution Review Group 30 May 2002  
Agenda and Minutes Constitution Review Group 20 March 2003

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