

MINUTES

CONSTITUTION COMMITTEE
MONDAY, 23 SEPTEMBER 2013



COMMITTEE MEMBERS PRESENT

Councillor Ray Auger
Councillor Vic Kerr
Councillor Alan Parkin (Vice-Chairman)
Councillor Rob Shorrocks
Councillor Raymond Wootten (Chairman)

OFFICERS

Operations Director (Ian Yates)
Head of Legal & Democratic Services (Lucy Youles)
Democratic Officer (Lucy Bonshor)

30. DISCLOSURE OF INTERESTS

None disclosed.

31. MINUTES OF THE MEETING HELD ON 8TH JULY 2013

The minutes of the meeting held on 8th July 2013 were agreed as a correct record of the decisions taken subject to the following correction:

Page 3 point 4.1, The Pay Policy to be changed to The Pay Policy Statement

32. AMENDMENTS TO THE CONSTITUTION

Recommendation

The Constitution Committee recommends to Council that the scheme of delegation set out in appendix 2 to report ENV592 is adopted as an amendment to the Constitution subject to the amendments concerning appeals being heard by the Licensing Committee in appendix 2.

The Operations Director presented report ENV592 which detailed amendments required to the scheme of delegation following the implementation of the Scrap Metal Dealers Act 2013. The act would come into force on 1st October and repealed and replaced the Scrap Metal Dealers Act 1964 and those parts of the

Vehicle (Crime) Act 2001 that dealt with Motor Salvage Operators.

The Act revised the regulatory regimes for scrap metal dealing and vehicle dismantling and gave Local Authorities more powers including powers to refuse and revoke licences and enter and inspect premises. Anyone who wished to carry on a business as a scrap metal dealer would need to have a licence issued by the Local Authority which lasted for three years. Unlicensed trading was a criminal offence.

Following the changes made in the new Act, Local Authorities (LA's) had to make provision for the issue, administration and enforcement of scrap metal dealers licences. This included provisions to deal with any contested applications as well as setting fees.

Currently there were 24 scrap metal premises or transient traders registered in the district. The new act made selling scrap metal for cash an offence which from a crime and disorder perspective was a good move.

The new Act gave LA's powers to investigate applicants more thoroughly and inspect premises. These new powers needed to be reflected with new delegations which would come under the Operations Director delegations. The fees and charges aspect was to be delegated to the Section 151 Officer and work was currently being undertaken to set these charges. More information would be known once secondary legislation was published.

It was proposed to deal with appeals concerning licenses by way of the Licensing Committee in a similar way in which hackney carriage drivers were currently dealt with and the Head of Legal & Democratic Services asked that appendix 2 to the report be amended to reflect this.

Questions were asked about the Act specifically cross boundary trading at the north and south of the district and whether licenses were for people or sites, what happened with sub-contractors. The Operations Director indicated that he would seek clarification on that point. One of the key features of the Act was that a national register of licensed dealers would be compiled. A question was then asked about appeals being heard by the Licensing Committee to which the Head of Legal & Democratic Services replied that it was a function of the Council which could be delegated to the Licensing Committee as with hackney carriage driver appeals.

Secondary legislation was expected to outline the criteria for enforcement and enforcement costs would be applied for if a case went to court.

It was proposed, seconded and agreed subject to the changes outlined by the Head of Legal & Democratic Services that the proposed changes to delegations be recommended to Council.

33. CONSTITUTION REVIEW

ARTICLE 1

Recommendation

The Constitution Committee recommends to Council that Article 1 be amalgamated with Article 18 as attached to report LDS106 to include Article 19.

Members had been circulated with report LDS106 which concerned Article 1 and Article 18, Article 1 dealt with the Constitution and Article 18 dealt with the review and revision of the Constitution. A draft copy of the proposed Article 1 was appended to the report. Article 19 also dealt with the Constitution and the Head of Legal & Democratic Services asked if the Committee were happy for this Article to be amalgamated into Article 1 to make the Article more streamlined.

Members agreed with the proposed recommendation and it was proposed, seconded and agreed.

SCHEME OF DELEGATION

Recommendation

The Constitution Committee agree with the proposed changes to the Scheme of Delegation to officers as appended to report LDS107 and approve the proposal for consultation with officers.

Report LDS107 had been circulated with the agenda and concerned proposed changes to streamline the Scheme of Delegation with Article 15 which concerned officers and their statutory functions. There was a lot of duplication within the different sections. It was proposed that the Officer Employment Procedure Rules (page 245), the Officer Code of Conduct (page 264) and a Protocol for Relationships between Members and Officers of a Local Authority (page 273) be reviewed and included within Article 15 together with the extended Scheme of Delegation. The proposed scheme would list Proper Officers authorised to act for the purposes of the delegated functions and those authorised to act in the absence of the Proper Officer. General delegations would be grouped as delegated authority to all those appointed as chief executive, strategic director, head of service and service manager. Specific authorisations would be presented as shown in the appendix as circulated with the agenda.

Members felt that the proposal for the Scheme of Delegation made sense and it was proposed, seconded and agreed that the proposal be consulted with officers.

34. CLOSE OF MEETING

The meeting closed at 11.00am.