

Committee: Council

Date: 27 March 2013

Agenda item: 14

Wards: All

Subject: Constitutional amendments

Lead officer: Monitoring Officer

Lead member: Cabinet member for finance

Forward Plan reference: 1251

contact officer: Colin Millar, democratic.services@merton.gov.uk

Recommendations:

A. That the Council agrees the changes to the constitution.

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1.1. To seek the agreement of the Council to amend the constitution.

2 DETAILS – PROPER OFFICER FOR ISSUING NOTICES OF NAMING AND NUMBERING OF STREETS AND BUILDINGS

2.1. The responsibility for this has passed from Environment and Regeneration to Corporate Services and the proper officer for the issuing of the relevant notices is now the Director of Corporate Services.

2.2. It is proposed to amend Part 3F paragraph 5(i) to replace “Director of Environment and Regeneration” with “Director of Corporate Services”.

3 DETAILS – GENERAL PURPOSES COMMITTEE AND STANDARDS COMMITTEE TERMS OF REFERENCE

3.1. The Audit Commission is no longer our external auditor so references to the Audit Commission need to be amended to read “the Council’s external auditors”

3.2. It is proposed to amend Part 3B paragraphs 1.1(c)(i) point 4 (Standards Committee terms of reference) and 1.7(b)(iii) (General Purposes Committee terms of reference) accordingly.

4 ALTERNATIVE OPTIONS

4.1. The change in paragraph 2 above is required to reflect an internal restructuring of the organisation which has already taken place.

4.2. The change in paragraph 3 above is required to bring the constitution into line with existing audit practice.

5 CONSULTATION UNDERTAKEN OR PROPOSED

5.1. Standards Committee were consulted on 26 February 2013 and had no comments.

5.2. General Purposes Committee on 13 March 2013 agreed to recommend that the Council agree these changes.

6 TIMETABLE

6.1. If agreed the changes will have immediate effect.

7 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

7.1. None

8 LEGAL AND STATUTORY IMPLICATIONS

8.1. Section 270 of the Local Government Act defines a “proper officer” as “an officer appointed for that purpose by ...[Merton Council]” – in this case the purpose is the issuing of notices required under the London Building Acts (Amendment) Act 1939.

8.2. Section 234 of the Local Government Act 1972 provides that the proper officer may sign any notice required under an enactment and that a document so signed shall be deemed to have been properly issued by the authority.

9 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

9.1. None

10 CRIME AND DISORDER IMPLICATIONS

10.1. None

11 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

11.1. None

12 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- None

13 BACKGROUND PAPERS

13.1. None