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Democratic Services



To: All Members of the Standards and Constitution Committee

Dear Councillor,

**STANDARDS AND CONSTITUTION COMMITTEE - TUESDAY, 5TH DECEMBER, 2023,
Council Chamber - Epsom Town Hall**

Please find attached the following document(s) for the meeting of the Standards and Constitution Committee to be held on Tuesday, 5th December, 2023.

4. **ADDENDUM TO AGENDA ITEM 4 - UPDATE TO THE COUNCIL'S
CONSTITUTION** (Pages 3 - 6)

Further to reviewing the published Appendices, a number of amendments have been noted that must be brought to the Committee's attention so that they may be adopted within the recommendations before the Committee.

For further information, please contact democraticservices@epsom-ewell.gov.uk or tel: 01372 732000

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sing'.

Chief Executive

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ADDENDUM TO REPORT - UPDATE TO THE COUNCIL'S CONSTITUTION:

Further to reviewing the published Appendices, a number of amendments have been noted that must be brought to the Committee's attention so that they may be adopted within the recommendations before the Committee.

Matters concerning correcting grammatical errors or making clauses gender neutral fall under the criteria of 'minor changes' to which the Monitoring Officer is delegated authority to remedy and hence why although a few have been noted, they are not contained within this Addendum and shall be updated prior to publication following the proposed adoption of these Updates by Full Council on 12 December 2023

It is therefore proposed that the published recommendation to the Report be amended to reflect these additional changes as follows:

Approve the updated Appendices (2, 3 and 4) and Annexes (2-4, 3-3, 4-2, 4-7, 5-1, 5-2, 5-3 and 6-2) and additional updates noted within the Addendum to this Report, so that they be adopted.

1. Appendix 2:

- a. 2.5.2 (v) – there is reference to 2.6.2; this shall be amended to 2.5.4
- b. Live Register of Delegations:
 - i. A number of job roles are missing from the transfer across of delegations from Appendix 2a into this new Register, as follows:
 1. Add "Environmental Health Enforcement Officer" to PPS1-14, 16, 18-21, 26-27, 34-42, 45, 49-53 & 55
 2. Add "Principal Licensing Officer" to PPS45 & 55,
 3. Add "Licensing Officer" to PPS55
 4. Add "Sections 20-22, 25 & 39" to PPS41
 5. Amended legislation citation to "1847" rather than "1837"
 6. Remove PPS54, PPS56 and PPS105 – duplication (PPS109, PPS70 and PPS55), and
 7. Add the following from Appendix 2a with the following reference:

No	Title of Post Holder	Legislation	Function Delegated
PPS126	Public Protection Manager, Principal Environmental Health Officer, Environmental Health Officer, Environmental Health Enforcement Officer.	Anti-Social Behaviour, Crime and Policing Act 2014 s.43	Community Protection Notices – Power to Issue Notice
PPS127	Public Protection Manager, Principal Environmental Health Officer, Environmental Health Officer, Environmental Health Enforcement Officer.	Anti-Social Behaviour, Crime and Policing Act 2014 s.47	Remedial Action by Local Authority

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PPS128	Public Protection Manager, Principal Environmental Health Officer, Environmental Health Officer, Environmental Health Enforcement Officer.	Anti-Social Behaviour, Crime and Policing Act 2014 s.52	Determination and Service of Fixed Penalty Notices
PPS129	Public Protection Manager, Principal Environmental Health Officer, Environmental Health Officer, Environmental Health Enforcement Officer.	Environmental Protection Act 1990 s.87	Litter Offences
PPS130	Public Protection Manager, Principal Environmental Health Officer, Environmental Health Officer, Environmental Health Enforcement Officer.	Environmental Protection Act 1990 s.88	Determination and Service of Fixed Penalty Notices
PPS 131	Public Protection Manager, Principal Environmental Health Officer, Environmental Health Officer, Environmental Health Enforcement Officer.	Public Health Act 1936 s.287	Power to enter premises
PPS132	Public Protection Manager, Principal Environmental Health Officer, Environmental Health Officer, Environmental Health Enforcement Officer.	Public Health Control of Diseases Act 1936 s.46	Decisions on behalf of the Council regarding Burial and Cremation.

ii. Revised wording for Delegations HS1-HS13:

1. Remove "List 1" to be replaced with "as listed"

2. Appendix 3:

- a. Planning Committee – Terms of Reference:
 - i. Call In - Additional wording to insert the ability of Members to call-in application by way of cross reference to Annex 4-8 - Code of Practice in respect of Planning Matters, paras 8.4 and 8.8, and
 - ii. Applications made by Officers - Rewording to cross reference to Annex 4-8, para 9 – Rather than all officers, limited to CMT (i.e. CEO, Directors and Heads of Service – and their spouses or partners)
- b. 1.2 & 1.3 - Addition of "Vice Chair of Strategy and Resources" to both provisions.

3. Annex 4-7:

- a. 1.3.8 – the words “... have not been lobbied by any person in respect of it,” are to be removed; further text is to be added to 1.8.1 to make it clear that whilst a Member will not be precluded from sitting on a Licensing Sub-Committee hearing an application with respect to premises within their Ward, they are expected to declare any lobbying attempts and that they maintain an open mind and are not predetermined in respect of the application after having been lobbied.
- b. 2.14.4 – there is reference to 3.2(d); this shall be amended to 2.3.2 (iv)
- c. 2.14.13 – there is reference to 8.5 and 8.12; this shall be amended to 2.14.4, 2.14.6 and 2.14.12
- d. 2.14.16 – this shall be amended to include the words “The Chair shall relay the decision of the Sub-Committee, along with the reasons for its decision, orally to all parties at the hearing, and advise them of any rights of appeal.”
- e. 2.15.3 – this shall be amended to include the words “At the start of the Sub-Committee, the Licensing Officer will outline the background to the case and provide a summary of any updates or late supporting evidence received since the publication of the committee report, with each party then asked to confirm that this summary is correct.”

4. Annex 5-1:

- a. 17.11 - this shall be amended to include the words “Payment to co-opted members entitled to claim travelling and/or other allowances in accordance with agreed policies, will be made through payroll upon receipt of an approved ITrent claim or the prescribed form duly completed.”

5. Annex 5-2:

- a. Amend CSO 27.2 and Section 6 of CSOs in order to reflect revisions to Annex 5-3 and the Scheme of Delegation; revised wording in red:

27.2 Contracts within Threshold 2 and 3 shall be the subject of a formal written Contract agreed in accordance with Annex 5-3 to the Constitution ~~by the Chief Executive~~ [DELEGATED] and under Seal if required by clause 27.3.

Section 6 - Contract Standing Orders - Procedures for Procurement - minimum requirements.

	Aggregate Value including extensions £	Who must approve the contract award	Who signs the contract on the Councils behalf
Threshold 1	£0-£24,999 Quick Quote (QQ)	Budget holder	<u>Head of Service</u> Budget holder approves PO
Threshold 2	£25,000 to £213,477 Request for Quotation (RFQ)	Head of Service	<u>As per Annex 5-3 of the Constitution –</u> <u>If under seal = CEO, Directors or Head of Legal</u> <u>If under hand = CEO, Directors or Head of Service</u>

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