

## **AMENDMENTS TO THE CONSTITUTION AND SCHEME OF DELEGATION**

### Report of the Assistant Director for Legal & Democratic Governance

#### **1. INTRODUCTION AND PURPOSE OF REPORT**

- 1.1 The report sets out various suggested amendments to the Constitution, mainly relating to the amendments to the Officer Scheme of delegations within the Officer Functions section of the Scheme of Delegation to realign some functions due to recent changes in roles and post holders. There is also one amendment to the Individual Cabinet Member Functions, various amendments to the Proper Officer Appointments to reflect changes in job titles and some typographical amendments to the Confidential Reporting (Whistleblowing) Policy.

#### **2. BACKGROUND**

- 2.1 The Scheme of Delegation details which Members and officers are empowered to undertake decisions or actions on behalf of the Council. Where a delegation is of a continuing nature, it must be set out in a formal Scheme of Delegation within the Constitution.
- 2.2 The scheme delegates powers and duties within broad functional descriptions and includes powers and duties under legislation within those descriptions, and all powers and duties incidental to that legislation.
- 2.3 The delegations detailed in the Scheme are necessary for Members and officers to perform their duties in order to discharge the Council's functions and responsibilities and to demonstrate if called upon to do so that they have the necessary authority to act. It is therefore essential that the contents of the Scheme are kept up to date.
- 2.4 All the proposed amendments are in Appendix 1 to this report and are shown in tracked changes.

#### **Amendments to Individual Cabinet Member Functions (Part 3, Section 3)**

- 2.5 It is recommended that the following amendments are made:-

<b>Location in constitution</b>	<b>Proposed amendments</b>
page 56	A new paragraph 4 to clarify the functions of an Individual Cabinet Member in relation to Highways as follows:-  4. To exercise the functions of the Council as local highways authority on the following highways:-

	<ul style="list-style-type: none"> <li>• the Key Route Network;</li> <li>• the first 15metres of any side road connecting with the Key Route Network or any district distributor road;</li> <li>• highways within Stockport Town Centre;</li> <li>• highways within the district shopping centres of Bramhall, Cheadle, Hulme, Edgeley, Hazel Grove, Houldsworth Square, Marple and Romiley</li> </ul> <p>and, with the consent of the relevant area committee, on all other highways in the borough.</p>
	Re-numbering the previous paragraph 4 to paragraph 5.
Page 57	<p>A new paragraph 14 to include a historic delegation previously agreed in 2018, but not previously incorporated within the Scheme of Delegation:-</p> <p>14. To approve the allocation of Section 106 contributions over £30,000 for both sport and play or where the allocation would be outside the agreed priority list, but there is potential for attracting additional funding.</p>

2.6 The proposed amendments do not extend the range of delegations that can be exercised by the Cabinet Member in relation to either highway matters or the allocation of commuted sums. Rather the intention is to formally codify the extent of those existing delegations within the Scheme.

#### **Amendments to Officer Scheme of Delegation (Part 3, Section 8)**

2.7 It is recommended that the amendments set out in the appendix be made to this section of the constitution. The amendments have all arisen due to changes in post-holders and posts. The current section of the constitution that covers this section can be found at pages 91 to 121.

#### **Amendments to Proper Officer Appointments (Part 4)**

2.8 The amendments to this section all relate to changes in job title and the re-alignment of some historic delegations to the Director of Public Health. These are at pages 185 to 194 of the current constitution.

#### **Amendments to the Confidential Reporting Policy (Part 6, CP 4)**

2.9 These are solely typographical amendments to change the names of job titles and contact details and are at pages 352 to 360 of the current constitution and strengthening of the policy to include reference to the Equality Act 2010.

### **3 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS**

3.1 There are none.

### **4 LEGAL CONSIDERATIONS**

4.7 The amendments are as required by the constitution. All amendments other than changes in job titles and typographical errors are required to be approved by the council meeting.

### **5 HUMAN RESOURCES IMPACT**

5.7 There are none.

### **6 EQUALITIES IMPACT**

6.7 The constitution is currently published on the internet in pdf format which is not accessible to all. The Monitoring Officer will take steps to explore how this can be addressed to ensure it is accessible to all our residents online and will report back to Group Leaders and the Constitution Working Party.

### **7 ENVIRONMENTAL IMPACT**

7.7 There are none.

### **8 CONCLUSIONS AND RECOMMENDATIONS**

8.7 The Cabinet is requested to recommend that the Council Meeting approves the proposed amendments to the Constitution.

### **BACKGROUND PAPERS**

There are none

Anyone wishing to inspect the above background papers or requiring further information should contact Vicki Bates

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