

Rother District Council

Report to:	Audit and Standards Committee
Date:	20 March 2023
Title:	Amendment to the Constitution – Delegations to Officers
Report of:	Malcolm Johnston, Chief Executive
Ward(s):	-
Purpose of Report:	To present an amendment to the Constitution for approval and adoption.
Officer Recommendation(s):	Recommendation to COUNCIL: That Article 15.3 of the Constitution be amended as proposed at paragraph 5 of this report.

Introduction

1. As Members are aware, the responsibility for considering and recommending changes to the Constitution now sits with the Audit and Standards Committee (A&SC), as set out in Article 15 of the Constitution.
2. Following legal advice concerning the approval process for delegations to officers, this report details a necessary amendment to the Constitution to regularise the procedure.
3. The need for this report was highlighted to full Council on the 20 February 2023.

Changes to the Constitution

4. It has been brought to the Council's attention that the approval process for delegations to officers must be approved and adopted by full Council. Currently, at Article 15.3, Changes to the Constitution, it specifically excludes delegations to officers.
5. It is therefore recommended to regularise the situation and improve clarity, Article 15.3 be amended as follows:

15.3 Changes to the Constitution

- (a) **Approval:** All Changes to the Constitution, including ~~except for~~ delegations to officers, will ~~only~~ be approved by the Council after consideration of the proposal by the Audit and Standards Committee.

Risk Management

6. The Council is required to have an up-to-date Constitution available at all times. The risk of having a Constitution that is difficult to understand may lead

to Members and officers not acting in accordance with the Constitution which could result in potential challenge, maladministration and reputational damage. It is important to keep the provisions within the Constitution under review and make appropriate recommendations for change in light of experience and legal advice.

Conclusion

7. Members are asked to recommend the necessary amendment to Council.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	Consultation	No
Environmental	No	Access to Information	No
Risk Management	Yes	Exempt from publication	No

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Appendices:	None.
Relevant previous Minutes:	