

**SCHEDULE OF PROPOSED CHANGES TO THE CONSTITUTION
PARTS 1, 2f, 3c AND 3h**

Part of current constitution	Reference (para or section number)	Current wording	New wording & reason
Part 1	Para 11.4	Any contract with the value exceeding £50,000 entered into on behalf of the local authority in the course of the discharge of an executive function shall be made in writing. Such contracts must either be signed by at least two officers of the authority or made under the common seal of the council attested by the proper officer	Remove “at least two” and replace with “one authorised” Reason: In accordance with the contract procedure rules that are already approved as part of the constitution
Part 2f	Para 3.2 section: ‘signing and sealing’	‘Signing & sealing’ delegated to Chief Executive	Move from 3.2 (Chief Executive) to a new 2.20 (under Strategic Leadership Team) and amend wording to include reference to ‘sealing’: The Chief Executive and directors will have authority to <ul style="list-style-type: none"> • Sign and seal documents in addition to the powers of other proper officers except where specific professional qualifications are necessary • Sign and seal notices notices and other documents related to functions which are deemed general powers of all committees • Publish and serve notices in addition to specific powers Reason: Correction of previous omission
Part 2f	Para 3.2 section: ‘compulsory purchase’	<ul style="list-style-type: none"> • Advise in respect of land or buildings proposed to be acquired either by agreement or compulsorily under the Town and Country 	<ul style="list-style-type: none"> • Advise in respect of land or buildings proposed to be acquired either by agreement or compulsorily under the Town and Country Planning Acts and related legislation

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		Planning Acts and related legislation in consultation with the Legal Services Manager	Reason: Consultation with the Legal Services Manager is not practical or necessary in practice
Part 2f	Para 3.2	New section to be inserted to give the Chief Executive delegated authority in emergency situations	<p>The Chief Executive has delegated authority to... Urgent decisions</p> <ul style="list-style-type: none"> • In consultation with the political group leaders, take urgent decisions that are reserved for a particular council body in the event of a local, national or international emergency being called and the relevant body being unable to meet • In consultation with the political group leaders, take urgent decisions following an election but prior to Annual Council in the event of a change in majority party or the Leader no longer being a member of the Council
Part 2f	Para 4.2	<ul style="list-style-type: none"> • Decisions relating to legal or other interest in HRA land or buildings in consultation with the Legal Services Manager 	<ul style="list-style-type: none"> • Decision relating to legal or other interest in HRA land or buildings <p>Reason: Consultation with the Legal Services Manager is not practical or necessary in practice</p>
Part 2f	Para 6.2 section: Planning	<ul style="list-style-type: none"> • Apply for an injunction in relation to a listed building in consultation with the Legal Services Manager 	<ul style="list-style-type: none"> • Apply for an injunction in relation to a listed building <p>Reason: Consultation with the Legal Services Manager is not practical or necessary in practice</p>
Part 2f	Para 7.2	<ul style="list-style-type: none"> • Validate and determine applications for compensation, determine applications for a review of compensation decision and conduct proceedings for an appeal against a compensation decision in relation to 	<ul style="list-style-type: none"> • Validate and determine applications for compensation, determine applications for a review of compensation decision and conduct proceedings for an appeal against a

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		Community Right to Bid in consultation with the Legal Services Manager	compensation decision in relation to Community Right to Bid Reason: Consultation with the Legal Services Manager is not necessary
Part 2f	Para 8.2 Section: Development management	<ul style="list-style-type: none"> Determine applications for certificates of lawful existing or proposed use or development in consultation with the Legal Services Manager 	<ul style="list-style-type: none"> Determine applications for certificates of lawful existing or proposed use or development Reason: Consultation with the Legal Services Manager is not practical or necessary in practice
Part 2f	Para 8.2 Section: Enforcement	<ul style="list-style-type: none"> Instigate prosecutions for failing to comply with the above notices in consultation with the Legal Services Manager 	<ul style="list-style-type: none"> Instigate prosecutions for failing to comply with the above notices Reason: Consultation with the Legal Services Manager is not practical or necessary in practice
Part 2f	Para 8.2 Section: Building Control	<ul style="list-style-type: none"> Serve & receive notices under relevant legislation and to effect enforcement, including requests for information in consultation with the Legal Services manager 	<ul style="list-style-type: none"> Serve & receive notices under relevant legislation and to effect enforcement, including requests for information Reason: Consultation with the Legal Services Manager is not practical or necessary in practice
Part 2f	Para 8.2 Section: Conservation	<ul style="list-style-type: none"> Serve Article 4 notices in consultation with the Legal Services Manager 	<ul style="list-style-type: none"> Serve Article 4 notices Reason: Consultation with the Legal Services Manager is not practical or necessary in practice
Part 2f	Para 8.2 Section: Community Right to Bid	New bullet point	<ul style="list-style-type: none"> Maintain a register of assets of community value and a register of land not listed in relation to Community Right to Bid

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			Reason: Delegation sits more appropriately with Head of Planning (rather than Head of Legal Services) as Planning is already involved in the process
Part 2f	Para 9.2	<ul style="list-style-type: none"> Implement the prosecution and enforcement policy following consultation with the Legal Services Manager 	<ul style="list-style-type: none"> Implement the prosecution and enforcement policy <p>Reason: Consultation with the Legal Services Manager is not practical or necessary in practice</p>
Part 2f	Para 10.2	<ul style="list-style-type: none"> Serve notices or recommend legal action in consultation with the Legal Services Manager in relation to dog fouling, refuse, refuse containers, abandoned vehicles, litter and graffiti under relevant legislation 	<ul style="list-style-type: none"> Serve notices or recommend legal action in relation to dog fouling, refuse, refuse containers, abandoned vehicles, litter and graffiti under relevant legislation <p>Reason: Consultation with the Legal Services Manager is not practical or necessary in practice</p>
Part 2f	Para 13.1	Missing text (add bullet point)	<ul style="list-style-type: none"> Sign notices of seeking possession <p>Reason: Currently sits with the Legal Services Manager, but this is not practical or necessary</p>
Part 2f	Insert new para 12, remove paras 13, 14, 15, 17, 18, 19		<p>Remove Anti Social Behaviour & Tenancy Manager, Housing Repairs Investment Manager, Housing Repairs Operations Manager, Housing Options Manager, Private Sector Housing Manager and Housing Assets & Support Team Manager with their responsibilities moved into a new paragraph 12 "Head of Housing".</p> <p>Reason: Take account of restructure within Housing (delegations already in operation)</p>
Part 2f	Para 23.1	<ul style="list-style-type: none"> Seal documents 	<ul style="list-style-type: none"> Sign and seal documents

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			Reason: for clarification – as the document is signed and sealed simultaneously
Part 2f	Para 23.1	<ul style="list-style-type: none"> Sign notices of seeking possession in consultation with the Anti Social Behaviour and Tenancy Manager 	<p>Remove bullet point</p> <p>Reason: Delegation more appropriately sits with Anti Social and Tenancy Manager. It is not expedient or necessary for the Legal Services Manager to be involved</p>
Part 2f	Para 23.1	<ul style="list-style-type: none"> Maintain a register of assets of community value and a register of land not listed in relation to Community Right to Bid 	<p>Remove bullet point</p> <p>Reason: Delegation more appropriately sits with the Head of Planning who already has authority to validate and determine initial applications in relation to Community Right to Bid</p>
Part 2f	Para 23.1	<ul style="list-style-type: none"> Validate and determine initial applications in relation to Community Right to Bid 	<p>Remove bullet point</p> <p>Reason: Delegation more appropriate sits with the Head of Planning who already has this authority</p>
Part 2f	Para 23.1	<ul style="list-style-type: none"> Validate and determine applications for review and conduct proceedings for an appeal against a listing in relation to Community Right to Bid 	<p>Remove bullet point</p> <p>Reason: The role of the Legal Services Manager is to provide advice to the decision maker, not to determine appeals</p>
Part 2f	Para 26	Democratic Services Officer	<p>Democratic Services Manager</p> <p>Reason: Update to correct title</p>
Part 3c	Paras 2.4, 2.5, 2.6, 2.7,	See appendix 2	See appendix 2

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	2.8, 2.9, 3.2, 3.3, 3.5, 3.6,		Reason: To allow an opportunity for greater representation of views by extending the public speaking arrangements, increasing the time allowed for ward councillors to speak and allowing parish council representatives the opportunity to speak.
Part 3h	Para 2.1	<ul style="list-style-type: none"> Subject to any variations, only being approved in consultation with the Procurement Officer and the Legal Services Manager 	<ul style="list-style-type: none"> Subject to any variations, only being approved in consultation with the Procurement Officer <p>Reason: Consultation with the Legal Services Manager is not practical or necessary in practice</p>
Part 3h	Para 11.1	The Legal Services Manager and Estates & Assets Manager will maintain a terrier of all land and property owned by Hinckley & Bosworth Borough Council	<ul style="list-style-type: none"> The Estates & Assets Manager will maintain a terrier of all land and property owned by Hinckley & Bosworth Borough Council <p>Reason: The delegation sits more appropriately with the Estates & Assets Manager as this is the current practice</p>