

Title of Report: **Changes to the Constitution**

**Item 11**

Report to be considered by: Council

**Purpose of Report:**

To review the Council's Constitution to ensure that it continues to support the most efficient, effective and accountable decision-making processes.

**Recommended Action:**

To agree to the changes in the Scheme of Delegation as set out in Paragraph 1.2 of this report.

**List of other options considered:**

N/A

**Key background documentation:**

West Berkshire Council Constitution

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## Supporting Information

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### 1. Background

- 1.1 In order to ensure that the Council's Constitution continues to underpin the effective, efficient and accountable decision making structures introduced under the Local Government Act 2000, regular monitoring and review of the Constitution is undertaken.
- 1.2 Since the last review in August, it has become apparent that the transition from the old Standing Orders to the new Constitution has resulted in a number of anomalies. The most recent issue surround the absence, within the Scheme of Delegation, of the under-mentioned powers for the Head of Highways and Engineering. These powers were previously included within the old Standing Orders and it is therefore proposed that these be now formally included in the Council's new Constitution.

Part 3 – Scheme of Delegation – 3.11 – Head of Highways and Engineering

3.11.6 – Land Drainage Act 1991

Section 14 – To exercise powers relating to drainage otherwise than in connection with a main river or the banks of such a river.

Section 18 – To exercise powers relating to the drainage of small areas.

Section 25 – To exercise powers to require works for maintaining the flow of a watercourse including service of notices.

3.11.7 – Environmental Protection Act 1990

To exercise powers including service of notices in respect of statutory nuisances relating to drainage under Sections 79 and 80.

## Appendices

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None

## Implications

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**Legal:** The Council is required to review its Constitution under the Local Government Act 2000.

## Consultation Responses

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**Local Stakeholders:** N/A

**Officers Consulted:** Nick Carter, David Holling

**Trade Union:** N/A