



OFFICER REPORT TO COUNCIL

AMENDMENTS TO THE CONSTITUTION

KEY ISSUE/DECISION:

It is the Council's responsibility to approve changes to the Scheme of Delegation regarding non-executive functions, while amendments to executive functions are delegated to the Leader and are brought to County Council to note.

This report sets out changes to the executive functions set out in the Scheme of Delegation. They specifically refer to new delegations relating to the roundabout sponsorship scheme, trading standards cross border investigations and prosecutions and the Basingstoke Canal Joint Management Committee. These changes are brought to Council for information and do not require formal approval.

These changes are brought to Council in accordance with Articles 4.10 and 5.02 of the Council's Constitution.

BACKGROUND:

1. Changes to any non-executive functions require approval by Council. There are no proposed changes to non-executive functions at this time. In addition, the Leader is responsible for maintaining a list in Part 3 of the Constitution setting out who will exercise executive functions. Any changes to this list are required to be reported to the next appropriate meeting of the County Council. Such changes, which have already been agreed by the Leader, are set out in paragraphs 2 to 9 of this report.

FUNCTIONS FOR REPORT TO COUNCIL

Delegation of Trading Standards cross border investigations and prosecutions

2. Offences investigated by Trading Standards will often relate to businesses that operate in a number of different places and cross local authority jurisdictional boundaries. To make best use of resources and to reduce the duplication of efforts the service has been developing better coordination

and intelligence sharing with other authorities. As a result, from time to time one local authority takes the primary role of investigating and prosecuting an offender but part of its case will relate to events in another authority area. Offences may for example have been committed in Surrey (against Surrey residents or businesses) but another authority has completed the investigation and may wish to take legal proceedings. If another authority does this, it is on the basis that the other authority bears the costs and any liability arising from such proceedings.

3. In such circumstances, it is important that proper authority is given to the other Council to do this. As these matters relate to Executive functions, the Leader has agreed how these arrangements are made. The decision to make arrangements in these specific circumstances is delegated to the Strategic Director for Customers and Communities and the Community Protection Manager. The delegation is as follows:

TS8	Strategic Director for Customers and Communities Community Protection Manager	To make arrangements with another local authority for it to carry out an investigation and initiate and conduct any legal proceedings relating to a cross-border matter where it is agreed that the other local authority should take the lead
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Delegation of roundabout sponsorship scheme agreements with District, Borough, Town and Parish Councils

4. Surrey County Council has worked in partnership with many of the borough and district councils for some years to permit roundabout sponsorship by businesses. The Council does not directly administer the sponsorship of any roundabouts, however it operates a scheme which has enabled councils to:
 - improve the appearance of roundabouts
 - improve the image of Surrey as a vibrant location for businesses
 - promote the range of businesses already located there
5. The Council's roundabout sponsorship scheme has recently been reviewed and amended to extend the partnership scheme to local town and parish councils.
6. Previously, any partnership agreements could only be signed off by the Assistant Director for Highways and the new delegation includes a provision to allow Area Team Managers and Local Highways Services Group Managers to sign these off going forward. The delegation is as follows:

T47	Assistant Director Highways Local Highways Services Group Manager Area Team Manager	To enter into agreements with other Borough, District, Parish or Town Councils to carry out improvement and/or maintenance of roundabouts in accordance with roundabout sponsorship arrangements
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Delegation of Basingstoke Canal Joint Management Committee - Memorandum of Understanding approval of amendments

7. The Council has signed a Memorandum of Understanding (MoU) with partners regarding the Basingstoke Canal Joint Management Committee (JMC). This MoU was agreed by the Executive in February 2009 which was prior to any decisions being delegated to individual Cabinet Members.
8. The JMC have amended the MoU and it was agreed by all partners in February 2014. It now needs to be ratified by the Cabinet and following advice from Legal Services it is felt that this can be done by a Cabinet Member decision.
9. In order to do this a new delegation has been added to the Cabinet Member delegation section of the Scheme of Delegation as set out below.

Function	Limitation
(a7) to agree amendments to the Memorandum of Understanding for the Basingstoke Canal Joint Management Committee	

10. Printed copies of the updated Scheme of Delegation pages will be circulated to replace the existing copies in Members' Constitutions and will be published on the Council's website.

RECOMMENDATION:

It is recommended that the amendments agreed by the Leader to the Scheme of Delegation be noted.

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Sources/background papers:

The Council's Constitution

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