

AGENDA ITEM NO.

ISLE OF ANGLESEY COUNTY COUNCIL	
Report to	Meeting of the Board of Commissioners
Date	28 th November 2011
Subject	Changes to the Constitution
Portfolio Holder	Mick Giannasi
Lead Officer	Lynn Ball, Monitoring Officer
Contact Officer	Meirion Jones, Solicitor to the Monitoring Officer
Nature and reason for reporting It is a Constitutional requirement that any proposed change to the Constitution has to be presented to the Executive / Commissioners before it is presented to the County Council and under the Minister's Direction proposed changes to the Constitution must be submitted to the Welsh Ministers.	

A – Introduction / Background / Issues
Changes to the Constitution - <ol style="list-style-type: none">1. Addition to the legislation in Appendix A to the Officers Delegation Scheme at 3.5.3.15.2. Changes to the “Note”, referring to the definition of “day”, which follows the Index at the beginning of the Constitution.

B - Considerations
The proposed changes to the Constitution are submitted to the Commissioners who are requested to make recommendations to the Council who in turn are requested to make recommendations to the Welsh Ministers.

C – Implications and Impacts		
1	Finance / Section 151	None
2	Legal / Monitoring Officer	Please see below at CH and D
3	Human Resources	None
4	Property Services (see notes – separate document)	None
5	Information and Communications Technology (ICT)	None
6	Equality (see notes – separate document)	None
7	Anti-poverty and Social (see notes – separate document)	None
8	Communication (see notes – separate document)	None
9	Consultation (see notes – separate document)	None
10	Economic	None
11	Environmental (see notes – separate document)	None
12	Crime and Disorder (see notes – separate document)	None
13	Outcome Agreements	None

CH - Summary

CH1 Addition to the legislation in the Appendix to the Officers Delegation Scheme at 3.5.3.15.

1.1 The Planning and Public Protection – Head of Service at 3.5.3.15 of the Constitution under the Officers Delegation Scheme has powers and duties in relation to the legislation referred to in the Appendix to the Scheme.

1.2 Periodically it is necessary to update the list by adding to it. On this occasion the legislation to be added is :-

Public Health (Control of Disease) Act 1984 as amended

Health Protection (Notification) (Wales) Regulation 2010

Health Protection (Local Authority Powers) (Wales) Regulations 2010

Health Protection (Part 2A Orders) (Wales) Regulations 2010

Sunbeds (Regulation) Act 2010

The Sunbeds (Regulation) Act 2010 (Wales) Regulations 2011

CH2 Changes to the “Note”, referring to the definition of “day”, which follows the Index at the beginning of the Constitution.

2.1 Currently the “Note” states – Note: The reference throughout this Constitution to a “day” excludes Saturdays, Sundays, Bank Holidays and official Council holidays (which holidays include the period between Christmas and New Year plus St David’s Day).

2.2 Following the Public Holiday which was announced for the Royal Wedding earlier this year and in order to avoid any misunderstanding the definition of “day” should also exclude ad hoc Public Holidays.

2.3 It is therefore proposed that the “Note” should be amended as follows:

Note: The reference throughout this Constitution to a “day” excludes Saturdays, Sundays, Bank Holidays, ad hoc Public Holidays and official Council holidays (which holidays include the period between Christmas and New Year plus St David’s Day).

D - Recommendation

CH1

1. Commissioners

The Commissioners are requested to recommend to the Council and to the Welsh Ministers to amend the Council's Constitution by adding to the Appendix to the Officers Delegation Scheme at 3.5.3.15 the legislation in CH 1.2 above and to authorise Officers to make any consequential amendments to the Constitution.

2. Council

The Council is requested to resolve to endorse the recommendation of the Commissioners to amend the Constitution by adding to the Appendix to the Officers Delegation Scheme at 3.5.3.15 the legislation in CH 1.2 above and to authorise Officers to make any consequential amendments to the Constitution and to request the Welsh Ministers to so approve.

3. The Welsh Ministers

The Welsh Ministers are requested to amend the Council's Constitution by adding to the the Appendix to the Officers Delegation Scheme at 3.5.3.15 the legislation in CH 1.2 above and to authorise Officers to make any consequential amendments to the Constitution.

CH2

1. Commissioners

The Commissioners are requested to recommend to the Council and to the Welsh Ministers to amend the Council's Constitution by changing the "Note" to the form in CH 2.3 above and to authorise Officers to make any consequential amendments to the Constitution.

2. Council

The Council is requested to resolve to endorse the recommendation of the Commissioners to amend the Constitution by changing the "Note" to the form in 2.3 above and to authorise Officers to make any consequential amendments to the Constitution and to request the Welsh Ministers to so approve.

3. The Welsh Ministers

The Welsh Ministers are requested to amend the Council's Constitution by changing

the "Note" to the form in CH 2.3 above and to authorise Officers to make any consequential amendments to the Constitution.

Name of author of report R Meirion Jones
Job Title Solicitor to the Monitoring Officer
Date 10/11/2011

Appendices:

None

Background papers

Council's Constitution