

Title of Report:	Amendments to Parts 4, 5 and 6 of the Council's Constitution
Report to be considered by:	Council
Date of Meeting:	22 September 2011
Forward Plan Ref:	C2303

Purpose of Report:	To consider the amendments to Parts 4, 5 and 6 of the Constitution following a review of the sections of the Constitution by the Finance and Governance Group.
Recommended Action:	To discuss the proposed and any additional revisions to Parts 4, 5 and 6 of the Constitution and to recommend the agreed amendments to full Council for approval.
Reason for decision to be taken:	To ensure that the Council has established a Constitution that is in accordance with statutory requirements / good practice and that there are processes in place ensuring the effective management and maintenance of the Constitution in accordance with good practice guidelines (e.g. CIPFA / SOLACE Code of practice for Corporate Governance)
Other options considered:	None
Key background documentation:	The Local Government Act 2000 (Constitution) (England) Direction 2000

The proposals will also help achieve the following Council Plan Themes:	
<input checked="" type="checkbox"/>	CPT12 - Including Everyone
<input checked="" type="checkbox"/>	CPT13 - Value for Money
<input checked="" type="checkbox"/>	CPT14 - Effective People
<input checked="" type="checkbox"/>	CPT15 - Putting Customers First
The proposals contained in this report will help to achieve the above Council Plan Priorities and Themes by: Ensuring that the Constitution is up to date and applies with legislation	

Member Details	
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Date Portfolio Member agreed report:	23 August 2011

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Implications

Policy: Will include changes to the Constitution
Financial: None – will be undertaken within existing resources
Personnel: None
Legal/Procurement: Will include changes to the Constitution
Property: None
Risk Management: None
Equalities Impact Assessment: Stage one EIA completed

Is this item subject to call-in?	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval		<input checked="" type="checkbox"/>
Delays in implementation could have serious financial implications for the Council		<input type="checkbox"/>
Delays in implementation could compromise the Council's position		<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Commission or associated Task Groups within preceding six months		<input type="checkbox"/>
Item is Urgent Key Decision		<input type="checkbox"/>

Executive Summary

1. Introduction

- 1.1 Following an internal audit of the Management of the Constitution in 2010 it was noted that one of the responsibilities of the Finance and Governance Group is to have ownership of the Council's Constitution. The content of the Local Code of Corporate Governance says that there will be an annual review of the operation of the Constitution.
- 1.2 A timetable has now been established for the Finance and Governance Group to review individual sections of the Constitution and a number of Officers have been involved in revising specific parts of the Constitution. This report proposes amendments to Parts 4, 5 and 6 of the Constitution. Full Council will be asked to ratify these amendments at the meeting on the 22 September 2011.

2. Proposals

- 2.1 That the amendments to Parts 4, 5 and 6 of the Council's Constitution are approved in order to ensure that the Council has established a Constitution that is in accordance with statutory requirements / good practice and that there are processes in place ensuring the effective management and maintenance of the Constitution in accordance with good practice guidelines (e.g. CIPFA / SOLACE Code of Corporate Governance).

3. Conclusion

- 3.1 The report is a required update, due to the changes in service areas, governance arrangements and changes to legislation and good practice guidelines.

Executive Report

1. Introduction

- 1.1 The internal audit review of the Constitution made a number of recommendations to enhance the management of the Constitution including:
- (1) That the Governance Group should establish a process to review the content and application of the Constitution on an annual basis in accordance with the requirements of the Council's Local Code of Corporate Governance.
 - (2) That members of the Governance Group are allocated responsibility for maintaining specific Articles and Rules of the Constitution.
 - (3) That the Governance Group should monitor progress of proposed amendments to the Constitution to ensure that they are appropriately approved and published.
- 1.2 A timetable was established for the Finance and Governance Group to review individual sections of the Constitution and relevant Officers have been allocated responsibility for maintaining specific parts of the Constitution. Given the wide ranging nature of the Constitution a number of Officers have contributed to the review of each Part.
- 1.3 This report proposes amendments to Parts 4, 5 and 6 of the Constitution. The review has been comprehensive and has led to a rewriting of sections of the Constitution. This is largely because no formal review process has been in place previously and a number of changes have been made in the way the Council's procedures operate.
- 1.4 Full Council will be asked to ratify these amendments at the meeting on the 22 September 2011.

2. Outline of the main changes

2.1 Part 4 – Council Rules of Procedure

- (1) Revised Scrutiny arrangements have been put in place.
- (2) The procedure for receiving and dealing with Petitions has been amended in line with the previously agreed changes to the protocol.
- (3) Additional detail has been included on the scope of questions that can be received from members of the public and Council Members.

2.2 Part 5 – Executive Rules of Procedure

- (1) Revised Scrutiny arrangements have been put in place.
- (2) Reference is made to the incorporation of the Stronger Leader and Cabinet Model.
- (3) An additional consideration has been added to the Call-In procedure.
- (4) The procedure for receiving and dealing with Petitions has been amended in line with the previously agreed changes to the protocol.
- (5) Additional detail has been included on the scope of questions that can be received from members of the public and Council Members.

2.3 Part 6 – Overview and Scrutiny Rules of Procedure

- (1) Revised Scrutiny arrangements have been put in place.
- (2) An additional consideration has been added to the Call-In procedure.
- (3) The procedure for receiving and dealing with Petitions has been amended in line with the previously agreed changes to the protocol.

3. Conclusion

- 3.1 Given the wide ranging nature of the changes made Management Board are asked to review the documents as a whole, rather than to focus on changes made.

Appendices

Appendix A – Equality Impact Assessment

Appendix B - Part 4 of the Constitution

Appendix C - Part 5 of the Constitution

Appendix D - Part 6 of the Constitution

Consultees

Local Stakeholders: Not consulted

Officers Consulted: Finance and Governance Group

Trade Union: Not consulted