

Meeting:	Council	Date:	21 March 2013
Subject:	Annual Review of the Constitution		
Report Of:	Monitoring Officer		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
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Appendices:	None		

1.0 Purpose of Report

- 1.1 To consider and approve the proposed amendments to the Council's Constitution as recommended by the Constitutional and Electoral Working Group on 12 March 2013.

2.0 Recommendations

- 2.1 Council is asked to **RESOLVE** that the revised Constitution as recommended by the Constitutional and Electoral Working Group on 12 March 2013 is adopted.

3.0 Background and Key Issues

- 3.1 At its meeting on 12 March 2013, the Constitutional and Electoral Working Group reviewed the Council's Constitution with a view to making recommendations to Council. These recommendations will be reported to Council at its meeting on 21 March 2013.
- 3.2 The Council's Constitution was extensively reviewed in 2009 and amendments to that Constitution have been approved annually since then.
- 3.3 It is good practice to review the Council's Constitution on an annual basis at least. It is also important to review how the Constitution has functioned and supported the work of the Council. To facilitate this Directors and Group Managers have been approached to seek their opinion on the Constitution and, in particular, on the detailed Officers' Scheme of Delegation.
- 3.4 The comments returned will be incorporated into the proposed amendment to the Constitution to be reported to Council on 21 March 2013.
- 3.5 A number of the changes reflect in-year revisions already agreed by Council, such as the changes in respect of some delegated powers to officers.

- 3.6 Other changes are required as a result of Officer re-structuring, with the transfer of functions between Directorates since the last constitution review.
- 3.7 Changes have been proposed to the provisions relating to the Leader in Article 7 and to the Access to Information Procedure Rules to reflect changes arising from the Localism Act 2011 and secondary legislation made under it.
- 3.8 There are a number of changes proposed to Officers' delegated powers to provide greater clarity around the extent of powers already impliedly delegated to Officers, such as the power to sign all necessary documents at paragraph 1.35 of the general delegations to the Chief Executive and Corporate Directors.

4.0 Alternative Options Considered

- 4.1 There are no alternative options relevant to this matter.

5.0 Reasons for Recommendations

- 5.1 The changes proposed either reflect changes requested by Members, changes to the way the Council is structured, legislative changes, or are aimed at providing greater clarity around the extent of and any limitations on, powers under the Constitution.

6.0 Future Work and Conclusions

- 6.1 More detailed work needs to be carried out in respect of the Contract Standing Orders within the Constitution. It has not been possible to incorporate this work into the current review of the Constitution and the intention is to complete this work well in advance of the next annual review. This work will involve Officers from Legal Services, Finance and Audit.
- 6.2 Further amendments to the Constitution are likely to be required to reflect any changes in management structure arising from budget savings. The power to make this type of amendment is delegated to the Monitoring Officer.
- 6.3 Legislation requires the Council to keep its Constitution up-to-date and it is good practice to carry out an annual review of the Constitution. This will allow the Council to ensure that the Constitution continues to meet the needs of the Council.
- 6.4 The Council is required to agree the scheme of delegation to determine which functions are to be delegated to Officers.

7.0 Financial Implications

- 7.1 There are no financial implications arising from this report.

(Financial Services have been consulted in the preparation this report.)

8.0 Legal Implications

- 8.1 Section 37 of the Local Government Act 2000 requires the Council to have and keep up-to-date a Constitution, setting out various matters prescribed by the Secretary of State, the Council's Standing Orders, Code of Conduct and any other matters the Council considers appropriate.

(Legal Services have been consulted in the preparation this report.)

9.0 Risk & Opportunity Management Implications

- 9.1 Regular consideration of the Council's Constitution enables the Council to ensure that its governance arrangements are appropriate and up-to-date.

10.0 People Impact Assessment (PIA):

- 10.1 The PIA Screening Stage was completed and did not identify any potential or actual negative impact, therefore a full PIA was not required.

11.0 Other Corporate Implications

Community Safety

- 11.1 There are no community safety implications.

Sustainability

- 11.2 There are no sustainability implications.

Staffing & Trade Union

- 11.3 There are no staffing implications.

Background Documents: Council Constitution 2012 - 2013