

Gloucester City Council

Meeting:	Constitutional and Electoral Working Group Council	Date: 25 March 2014 27 March 2014
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:	1. Extract from Constitution showing proposed changes	

1.0 Purpose of Report

1.1 To consider and approve the proposed amendments to the Council's Constitution.

2.0 Recommendations

2.1 Constitutional and Electoral Working Group is asked to **RECOMMEND**, subject to any further amendments, that the amendments to the Constitution at Appendix 1 be approved and the amended Constitution adopted.

2.2 Council is asked to **RESOLVE** that the amendments to the Constitution at Appendix 1 be approved and the amended Constitution adopted.

3.0 Background and Key Issues

3.1 The Council's Constitution was extensively reviewed in 2009 and amendments to that Constitution have been approved annually since then.

3.2 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.

3.3 Appendix 1 is an extract from the Constitution highlighting amendments that are either proposed or which have already been approved. A number of the amendments reflect in-year changes already agreed by Council. Where the amendment has already been agreed, this is contained in the comment box to the side of the text.

3.4 Proposed deletions are shown as 'struck through' text (e.g. ~~struck through~~) and additions are shown in **bold underlined font**.

3.5 Since the Working Group meeting on 25th February 2014:

- (a) further amendments have been made to the Scheme of Delegation to Officers to reflect the changes approved to the management structure in July 2013 and these have been included at Appendix 1 for information. There may need to be further amendments made to the Constitution, dependent on potential future changes to senior management structure;
- (b) Council Procedure Rule 18 has been changed to reflect the legislative requirement to have a named vote for budget and council tax setting;
- (c) a new Council Procedure Rule has been added at Rule 25 to allow for recording of Council and Committee meetings by the press or public;
- (d) a Protocol for recording at Council and Committee meetings has been included at Part 5 of the Constitution (Codes and Protocols).

3.6 Changes to the Call-in procedure considered by the Group are due to be considered by the Overview and Scrutiny Committee on 31 March 2014 and any approved procedure will need to be incorporated into the Constitution.

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 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.

6.2 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 not 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: None.