



Report to:	Council
Date of Meeting:	26 October 2006
Report from:	Head of Legal and Democratic Services
Title of Report:	Review of the Council's Constitution
Agenda Item Number:	9

1. PURPOSE AND SUMMARY

- 1.1 The purpose of this Report is to further review the Council's Constitution as part of the Council's commitment to continuous improvement and to ensure that such constitutional arrangements are and continue to be 'fit for purpose'.
- 1.2 The Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the Council to choose and its choice is as set out in the current Constitution.
- 1.2 On 26 May 2005 the Council revised its Constitution in order to achieve greater flexibility in the way in which the bodies of the Council operate and so create greater responsiveness to the needs of the people which the Council exists to lead and serve. It was further revised on 25 May 2006.
- 1.3 Regular reviews are built into the process as the Constitution is very much a 'living document' and, as such by its very nature, is liable to change.
- 1.4 The Council is recommended to agree the changes set out in the Appendix attached to this report be incorporated into the revised Constitution

2. CONSULTATION

- 2.1 Members and Chief Officers and Service Team Managers and other staff have been consulted on the manner in which the Constitution has operated since its revision in May 2005 and subsequently on an on-going basis.

- 2.2 All have been encouraged to put forward constructive comments and suggestions for improvements, on a proactive and reactive manner, in pursuance of the Council's open learning culture.

3. CORPORATE PLAN AND PRIORITIES

- 3.1 The Council's Constitution is the internal governance document which assists in the delivery of the Council's organisational goals as expressed from time to time in the Council's Corporate Plan.

4. IMPLICATIONS

4.1 Financial

- 4.1.1 Staff resources will be needed, either by redeployment of existing resources or by additional resources being made available, in order to implement and embed any changes that are agreed. This will include Member and Officer training.

- 4.1.2 The supply of replacement sections to reflect agreed amendments will have to be paid for but it is believed that this can be done within existing budgets.

4.2 Legal

- 4.2.1 The Council has a statutory obligation under section 37 of the Local Government Act 2000 to 'prepare and keep up to date' the Constitution.

- 4.2.2 In so doing the Council must have regard under section 38 of the Local Government Act 2000 to any current guidance issued by the Secretary of State for such purposes.

4.3 Personnel

- 4.3.1 Staff resources will need to be made available from the Legal & Democratic Services Team which is currently under pressure due to staff shortage.

4.4 Other Services

- 4.4.1 Relevant officers from other Service Teams will need to make themselves available for training on the Constitution.

4.5 Diversity

- 4.5.1 The Constitution will continue to be made available in various formats in order to seek to ensure that all sections of the Community are genuinely included and that no-one is excluded from being able to access the Constitution in a manner which is meaningful to them.

4.5.2 The straplines will therefore be updated in order to reflect changes which have occurred (such as the availability of 'ReadSpeaker' [Trade Mark] on the Council's website on the Intranet).

4.6 Risk

4.6.1 The risk to the Council is that the Constitution, if not kept current, will be in breach of its statutory duty.

4.6.2 The risk to the Community is that confidence in democracy will be eroded if there is a lack of efficiency, transparency and accountability arising from a Constitution which has been superceded by events.

4.7 Crime and Disorder

4.7.1 In order to prevent or reduce crime and disorder, the Council needs a Constitution which is responsive to the needs of the Community.

4.8 Other Implications

4.8.1 None

5. BACKGROUND, POSITION STATEMENT AND OPTION APPRAISAL

5.1 The Council has committed itself to continuous improvement and this includes its corporate governance arrangements.

5.2 The need for a further review of the arrangements has arisen part way through the year.

5.3 In May 2006 Council altered, amongst other things, the Scheme of Delegation of Functions to Officers in Part 3H of the Constitution as well as Part 7 'Management Structure' which links the Scheme of Delegation to areas of responsibility listed in Part 7.

5.4. Council extended the Scheme of Delegation of Functions to Service Team Manager level by listing the posts of Service Team Managers to which the Scheme applies in paragraph 2.1 of Part 3H.

5.5 Council also amended Part 7 'Management Structure' to include, amongst other things, 'matters in the Clean Neighbourhoods and Environment Act and associated provisions'.

5.6 The new changes recommended in the Appendix to this Report are needed to give officers the necessary operational powers under all current legislation and are entirely consistent with the rationale behind the revised Constitution.

6. RECOMMENDATIONS

- 6.1 That the Council is recommended to agree the changes set out in the Appendix attached to this Report be incorporated into the revised Constitution

7. BACKGROUND PAPERS / DOCUMENTS REFERRED TO

- 7.1 DETR Guidance New Council Constitutions: Guidance for English Authorities (see <http://www.odpm.gov.uk/index.asp?id=1133835>)

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