

# Item 5

## REPORT TO COUNCIL

25th NOVEMBER 2005

## REPORT OF CHIEF EXECUTIVE OFFICER

### ARRANGEMENTS FOR REVIEW OF THE CONSTITUTION

#### 1. SUMMARY

- 1.1 The Council's Constitution was adopted on the 24th May 2002 as part of the Council's approach to implementing the Local Government Act 2000. A number of reviews have taken place.
- 1.2 The Constitution itself must necessarily be kept under regular review so as to ensure that it reflects existing law and its operation continues to provide an efficient and effective framework for delivering the Council's aims and objectives. This report is a further review for the purposes of Article 15 of the Constitution.
- 1.3 The recommendations in this report, based on advice from the Council's Monitoring Officer, and following meetings of the Constitutional Review Group, reflect those areas where it is considered appropriate to make some immediate changes, viz:
  - (1) Changes arising from new primary and secondary legislation:
    - Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) Regulations 2005, No. 929, relating to Local Development Framework and the Planning and Compulsory Purchase Act 2004.
    - Town and Country Planning (Local Development) (England) Regulations 2004.
    - Local Authorities (Functions and Responsibilities) (Amendment) Regulations 2005 which relates to the high hedges provisions of the Anti-Social Behaviour Act 2003.
  - (2) Request from the Head of Planning Services to make changes to Council functions and the Scheme of Delegations Part 3A/Part 3B/Part 3C, as attached.
  - (3) Request from the Head of Environmental Services to make changes to the Scheme of Delegations Part 3C, as attached.

- (4) Request from the Head of Financial Services to make changes as follows:
- Terms of Reference of Full Council and Overview and Scrutiny Committees following a review of the Comprehensive Performance Assessment (CPA) Key Lines of Enquiries documentation, as attached.
  - Rules of Procedure – F. Financial Regulations and Part G. Contract Procedure Rules, as attached.
- (5) Request from Head of Neighbourhood Services to make changes to the Scheme of Delegation Part 3C, as attached.

## **2. RECOMMENDATIONS**

- 2.1 That the Council approves the amendments set out in the Appendix and directs the Council's Monitoring Officer:
- (a) to amend the Constitution accordingly and make all necessary and consequential amendments; and
  - (b) to publish an amended version on the Council's website.

## **3. BACKGROUND**

- 3.1 Work has already begun in reviewing the Constitution. A number of officers have formed a Constitutional Review Group, headed by the Monitoring Officer, and its purpose is to consider proposals for change with a view to reflecting the law and improving the efficiency of decision-taking within the authority.
- 3.2 Previous reviews are identified in the list of background papers accompanying this Report.

## **4. LEGAL IMPLICATIONS**

- 4.1 It is intended that the changes shown in the Appendix shall have immediate effect.
- 4.2 The principal changes are referred to in paragraph 1.3 above.

## **5. CONSULTATIONS**

- 5.1 Cabinet and the Standards Committee have been consulted on this report and their views have been taken into consideration.
- 5.2 All Departments of the Council have been consulted with regard to the amendments suggested in this report.
- 5.3 All approved changes will be forwarded to the Standards Committee and any comments received will be reflected in future constitutional reviews.

5.4 Further reports will follow to explain the implications of the changes to members' roles arising from this report.

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### Ward(s)

### Key Decision Validation

#### Background Papers

Reports:

- Council - 16th May 2003
- Council - 26th June 2003
- Standards Committee - 4th November 2003
- Council - 26th November 2003
- Council - 21st May 2004
- Cabinet - 25th November 2004
- Council – 25th February 2005

Regulations/Legislation:

Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) Regulations 2005, No. 929

Local Authorities (Functions and Responsibilities) (Amendment) Regulations 2005

Town and Country Planning (Local Development) (England) Regulations 2004

Section 36 – Freedom of Information Act 2000 (ODPM letter dated 15th December 2004)

The Standards Board for England (Functions) Order 2004

The Local Authorities (Code of Conduct) (Local Determination) (Amendment) Regulations 2004

The Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2004

The Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2004

The Local Authorities (Functions and Responsibilities) (Amendment) (No. 3) (England) Regulations 2004

The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001

The Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2001

The Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2000

Audit Commission – Comprehensive Performance Assessment – Key Lines of Enquiry

#### Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Council's Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Council's S.151 Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**PROPOSED CHANGES FOR COUNCIL APPROVAL – 25TH NOVEMBER 2005***Amendments shown in bold print*

<b>Page Reference and Proposed Amendment</b>	<b>Basis for Change</b>
<p>Part 2 – Articles of the Constitution Article 6 – Overview and Scrutiny Committees</p> <p>Function to add:</p> <p>Pg. 12 - 6.01 – Terms of Reference –add 6.03(b) (vii-viii).</p>	<p>Audit Commission – Key Lines of Enquiry.</p>
<p>Part 3 – Responsibility for Functions A. Council Functions</p> <p>Pgs. 33-46 – Officer Delegation Numbers amended – to incorporate changes made in Part 3C.</p>	<p>Request by Department</p>
<p>Part 3 – Responsibility for Functions A. Council Functions</p> <p>Pg. 35 - added No. 34. Pg. 35 – added new 35</p>	<p>Planning and Compulsory Purchase Act 2004.</p> <p>Audit Commission Key Lines of Enquiry.</p>
<p>Part 3 – Responsibility for Functions A. Council Functions</p> <p>Pg. 38 – Development Control Committee – additional Nos. 31 and 32.</p>	<p>Request by Department</p>
<p>Part 3 – Responsibility for Functions B. Cabinet Functions</p> <p>Function to add:</p> <p>Pg. 53 – add No. 18</p>	<p>Review of corporate governance arrangements.</p>
<p>Part 3 – Responsibility for Functions B. Cabinet Functions</p> <p>Pgs. 54 and 55 - added Nos. 12 and 13.</p> <p>Pg. 54 – Officer Delegation numbers amended – to incorporate changes made in Part 3C.</p>	<p>Planning and Compulsory Purchase Act 2004.</p>

Page Reference and Proposed Amendment	Basis for Change
<p>Part 3 – Responsibility for Functions C. Officer Delegations</p> <p>Head of Planning Services: To amend Officer Delegations as per schedule.</p> <p>Pgs. 67-76</p>	<p>Request by Department</p>
<p>Part 3 – Responsibility for Functions C. Officer Delegations</p> <p>Head of Environmental Services: To amend Officer Delegations as per schedule.</p> <p>Pgs. 76-93</p>	<p>Request by Department</p>
<p>Part 3 – Responsibility for Functions C. Officer Delegations</p> <p>Head of Neighbourhood Services: To amend Officer Delegations as per schedule.</p> <p>Pg. 93</p>	<p>Request by Department</p>
<p>Part 4 – Rules of Procedure F. Financial Regulations</p> <p>Head of Financial Services to amend:</p> <p>Pgs. 140-141 – 4.7 Treasury Management – paras. 4.7.1-4.7.5 – to replace.</p>	<p>Request by Department.</p>
<p>Part 4 – Rules of Procedure G. Contract Procedure Rules</p> <p>Head of Financial Services to amend:</p> <p>Pgs. 160-165 – Guidance Note B – to replace.</p>	<p>Request by Department.</p>

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