

Item 7

REPORT TO COUNCIL

24TH FEBRUARY 2006

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 further changes, viz:
 - a) Changes resulting from the Cabinet decision taken on 19th January 2006 on Indemnities for Members and Officers: Impact of the Local Authorities (Indemnities for Members and Officers) Order 2004 Report of the Solicitor to the Council and Monitoring Officer.
 - b) Changes resulting from the decision of Cabinet on 2nd February 2006 considered at Standards Committee on 9th February 2006, forthcoming Comprehensive Performance Assessment, Key Lines of Enquiry, Corporate Governance Inspection implications for Standards and Ethics, the Standards Committee and Member Training – Taking the Ethics Agenda Forward: Report of the Solicitor to the Council and Monitoring Officer.
 - c) Request for changes from the Neighbourhood Services Department (Environmental Health) resulting from legislative changes.
 - d) Request for changes from the Neighbourhood Services Department (Planning Division) relating to proposed operational changes.

Specific details are shown in the attached schedule.

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 Standards Committee have been consulted on this report and their views taken into consideration. The Report will go to Council for approval on 24th February 2006.
- 5.2 All Departments of the Council have been consulted with regard to the amendments suggested in this report. Management Team considered the report on 30th January 2006.
- 5.3 All approved changes have been forwarded to the Standards Committee and any comments received 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
- Standards Committee - 3rd November 2005
- Council - 25th November 2005
- Standards Committee - 9th February 2006

Regulations/Legislation:

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 – 24TH FEBRUARY 2006*Amendments shown in bold print*

| Page Reference and Proposed Amendment | Basis for Change |
|---|--|
| <u>Page 51</u> To add at Page 51 New Area of Responsibility for Cabinet Member for Resource Management: Lead Member on Standards and Ethics | Report to Cabinet of the Solicitor to the Council and Monitoring Officer 2nd February 2006, to Standards Committee 9th February 2006 |
| <u>Page 60</u> To add new CE58: Delegation of decisions under the Re-use of Public Sector Information Regulations 2005 to the Customer Relations Manager in consultation with the Solicitor to the Council | Statutory Instrument 1515 of 2005: Report to Cabinet 2nd February 2006: Report of the Chief Executive Officer and Solicitor to the Council |
| <u>Page 64</u> R21 Insurances: Responsibility for making appropriate insurance arrangements for Members and Officers under the Local Authorities (Indemnities for Members and Officers) Order 2004 | Statutory Regulations and Cabinet Report 2nd February 2006: Report of the Solicitor to the Council and Monitoring Officer |
| <u>Page 67</u> Neighbourhood Services (Planning): NS1 to add under Proper/Designated Officer "Principal Development Control Manager" | Request by Head of Planning Services |
| <u>Page 74</u> NS49: Administration of GIS System and associated ordnance survey matters: Proper Officer to be the Forward Planning Officer and Geographical Information Services Officer Subsequent NS numbers to be re-numbered | Request of Head of Planning Service Consequential upon above |

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|--|---|
| <p><u>Page 80</u> Neighbourhood Services Department/Environmental Services to add after Food Act 1990 the words “as amended” and to be followed by “the European Communities Act 1972”</p> | <p>Request by Inspection and Licensing Services Manager</p> |
| <p><u>Page 82</u> NS72 to add “the grant of permits for commercial amusements with prizes on alcohol licensed premises”</p> | <p>Request by Inspection and Licensing Services Manager (The Gambling Provisions of the Licensing Act 2003 refer)</p> |
| <p><u>Page 84</u> To add after the words “with prizes’ permits” the following words “including prizes gaming machines (AWP machines) on alcohol licensed premises. The authorisation of low-stake gaming on alcohol licensed premises”</p> | <p>Request by Inspection and Licensing Services Manager (The Gambling Provisions of the Licensing Act 2003 refer)</p> |

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