

Item 8

REPORT TO ANNUAL COUNCIL

18TH MAY 2007

REPORT OF CHIEF EXECUTIVE

ARRANGEMENTS FOR REVIEW OF THE CONSTITUTION (1)

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 since that time.
- 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 16 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:
 - changes to the remit of the Employment Issues Panel which arise from proposals contained in a report of the Chief Executive and Director of Resources entitled "Changes to the Local Government Pension Scheme – Impact of New Age Discrimination Regulations: Introduction of New Policies on (1) Discretionary Compensation Payments on Termination, and (2) Flexible Retirement": this report is to be considered by Cabinet on the 26th April 2007.
- 1.4 The details of the proposals for change are contained in the appendix to this report.

2. RECOMMENDATIONS

- 2.1 That the Council be recommended to approve 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 is ongoing 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 these changes shall have immediate effect.
- 4.2 The principal changes are referred to in paragraph 1.3 above.

5. CONSULTATIONS

- 5.1 Management Team has been consulted on the proposed changes. Cabinet considered the relevant report at its meeting on the 26th April 2007. Standards Committee considered the Report on 27th April 2007 at a Special Meeting
- 5.2 All Departments of the Council have been consulted with regard to the amendments suggested in this report.

Contact Officer: D.A. Hall, Solicitor and Monitoring Officer
Telephone No: (01388) 816166, Ext. 4268
Email Address: dahall@sedgefield.gov.uk

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
- Council - 24th February 2006
- Standards Committee - 6th April 2006
- Council - 21st April 2006
- Standards Committee – 5th May 2006
- Council – 19th May 2006
- Standards Committee – 6th July 2006
- Council – 28th July 2006
- Standards Committee – 2nd November 2006
- Council – 24th November 2006
- Standards Committee – 8th February 2007
- Council – 27th February 2007
- Standards Committee – 5th April 2007
- Council – 20th April 2007
- Standards Committee – 27th April 2007

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 – 18TH MAY 2007

Page Reference and Proposed Amendment	Basis for Change
<p>Page 52 – Part 3 Responsibility for Functions : A Council Functions - Employment Issues Panel: Proposed Changes</p> <p>(a) after “Early Retirement/Voluntary Redundancy Policy” and specifically to determine matters as follows:-</p> <ul style="list-style-type: none">⇒ applications by employees under the Flexible Retirement Policy, Regulation 31 (Employee Initiated Retirement) Policy and cases submitted under Early Retirement/Voluntary Redundancy Policy (“the Policies”) and in each case the decision of the Panel shall be final.⇒ such other employee related matters where the Policies require the exercise of discretion in individual cases.⇒ to make recommendations to Cabinet regarding any proposed changes to the Policies.⇒ to receive annual reports upon the operation of the Policies from the Head of Organisational Development.	