

# Item 6

## REPORT TO COUNCIL

27TH JULY 2007

## REPORT OF CHIEF EXECUTIVE

### ARRANGEMENTS FOR REVIEW OF THE CONSTITUTION (2)

#### 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. This is the second of two review reports to be tabled at Council on the 27th July.
- 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 Audit Committee (Part 10 refers).
  - various changes to the Officer Delegations at Part 3 – Responsibility for Functions – C. Officer Delegations:
    - (a) to amend R6 and R18.
    - (b) a new CE61 to deal with decisions in recess proposed by the Chief Executive.
    - (c) a new NS \*\*\*\* to cover Sections 29 and 350 of the Gaming Act 2005 proposed by the Inspection and Licensing Services Manager.
    - (d) a new NS \*\*\* to cover the Local Authorities (Functions and Responsibilities) (England) (Amendment) (No. 2) Regulations 2007, under the Health Act 2006 No Smoking Regulations.
  - changes to the Officers Code of Conduct at Part 5 – Codes and Protocols – B. Officer Code of Conduct, proposed by the Head of Organisational Development.

## **2. RECOMMENDATIONS**

- 2.1 That 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 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. Standards Committee considered this Report on the 5th July 2007.
- 5.2 All Departments of the Council have been consulted with regard to the amendments suggested in 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
- 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 (Special Meeting) – 27th April 2007
- Council – 18th May 2007
- Standards Committee – 5th July 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 – 27TH JULY 2007**

Page Reference and Proposed Amendment	Basis for Change
<p>Page 17 - Articles of the Constitution – Article 10 – Audit Committee Paragraph 10.3 – Role and Function</p> <p>To amend as follows:</p> <p>(i) To be satisfied that the Council’s Treasury Management arrangements are effective and comply with current CIPFA guidance. To set and review the indicators associated with the Prudential Code for Local Authorities.</p>	<p>Omitted from the original role and function of the Audit Committee.</p>
<p>Page 58 - Part 3 – Responsibility for Functions – C. Officer Delegations:</p> <p>(a) Amend R6 – LGA 1972 – S112 – Signing of cheques.</p> <p>Delete Audit Services Manager and replace with Audit and Resources Manager.</p> <p>Delete Policy and Finance Manager and replace with Risk and Governance Manager.</p> <p>(b) Amend R18 – Certification of Grant Claims</p> <p>Delete Audit Services Manager and replace with Audit and Resources Manager.</p> <p>(c) a new CE61 to deal with decisions in recess:-</p> <p>“Determination of operational matters such as might otherwise require Cabinet approval during the period of recess subject to prior consultation with the Leader of the Council: these determinations shall be reported to the next Cabinet for retrospective approval insofar as necessary.”</p> <p>(d) a new NS **** to cover:</p> <p>Section 29 of the Gaming Act 2005 – to provide information to the Gambling Commission.</p> <p>Section 350 of the Gaming Act 2005 – to provide information to persons and bodies listed in Schedule 6, Part 1.</p>	<p>Director of Resources – Redesignation of Posts</p> <p>Director of Resources – Redesignation of Posts</p> <p>Chief Executive Officer</p> <p>Director of Neighbourhood Services; Head of Environment Services; Inspection and Licensing Services Manager and Principal Licensing Officer</p>

Page Reference and Proposed Amendment	Basis for Change
<p>(e) the Local Authorities (Functions and Responsibilities) (England) (Amendment) (No. 2) Regulations 2007 under the Health Act 2006 No Smoking Regulations.</p> <p>(1) Power to transfer enforcement functions to another enforcement authority.</p>	<p>Director of Neighbourhood Services, Head of Environment Services</p>
<p>Page 190 - Part 5 – Codes and Protocols – B. Officers' Code of Conduct : Paragraph 13.3</p> <p>To change "£20" to "£25".</p>	<p>Head of Organisational Development</p>

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