

Item 7

REPORT TO ANNUAL COUNCIL

16TH MAY 2008

REPORT OF CHIEF EXECUTIVE

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 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: in light of the Standards Committee (England) Regulations 2008 and Section 53 of the Local Government Act 2000 (Section 49(6)) Part 3 Section 57A (inserted by Sections 57B to 57D, and Section 58) by Section 185 of the Local Government and Public Involvement in Health Act 2007
 - **Article 9.02(a)** the Standards Committee (new membership composition) to add one additional independent member and one parish member
 - **Article 9.02(c)** to reflect the increase in parish membership from one to two
 - **Article 9.03** to add to the role and functions of the Standards Committee the following paragraphs in relation to the new local assessment arrangements
 - (n) Receiving complaints of alleged breaches of the Code of Conduct; deciding whether or not they merit investigation; arranging reviews of decisions not to investigate if so requested by the complainant and determining whether the code of conduct has been contravened upon receipt of reports from the Monitoring Officer or an Investigating Officer appointed on his behalf;
 - **Article 9.05** to add the following procedure for dealing with the new local assessment arrangements – see Appendix

Part 3A – Responsibility for Functions - C. Officer Delegations To add new CE62 that

The Solicitor to the Council and Monitoring Officer is delegated power to appoint the members of the sub-committees from the Standards Committee to carry out the functions of:

- Receiving and assessing complaints
- Reviewing local assessment decisions
- Conducting hearings following an investigation into the complaint

in each case in accordance with the Standards Committee (England) Regulations 2008

2. RECOMMENDATIONS

2.1 That Council approves the Report 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. LEGAL IMPLICATIONS

3.1 It is intended that these changes shall have immediate effect.

3.2 The principal changes are referred to in paragraph 1.3 above.

4. CONSULTATIONS

4.1 Management Team have been consulted on the proposed changes.

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 (Special Meeting) – 27th April 2007
- Council – 18th May 2007
- Council – 29th June 2007
- Standards Committee – 5th July 2007
- Council – 27th July 2007
- Standards Committee – 7th February 2008
- Council – 29th February 2008

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"/>

This page is intentionally left blank