

Audit Committee – 26th June 2008

5. Amendments to Constitution

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Purpose of the Report

The purpose of this report is to ensure that all amendments to the Council's Constitution agreed over the past 6 months are accurately reflected in the Constitution document. The full Council has to approve the Constitution, and any amendments to it, following consideration by the Audit Committee.

Recommendation

It is recommended that members of the Audit Committee note the amendments set out in the table on pages 2-4 of this report and recommend approval by Full Council at its 17th July 2008 meeting, subject to any comments Audit Committee members may wish to make.

Background

The Council's Constitution is continually monitored and revised to make sure that the Council's decision-making processes are operating effectively and are in line with legislative requirements and best practice. The Constitution sets out how Council operates, how decisions are made and includes procedures to ensure that the Council's decisions are efficient, transparent and accountable.

Over the past 6 months, Council has approved several changes to the Constitution and these approved amendments must now be incorporated into the Constitution. There have also been changes in government legislation that require amendments to certain elements of the Constitution, details of which are contained in this report. The report also contains changes to both Member and Officer Schemes of Delegation that need to be reflected in the Constitution.

As members will be aware, the Council's Corporate Plan is currently being refreshed. This process may well necessitate further changes to the Constitution and if this is the case, a further report will be submitted to members in due course.

Amendments

The table overleaf shows the amendments that need to be incorporated into the Constitution:

| Details of Amendment | Page of Constitution | Amendment agreed by (where appropriate) |
|--|-------------------------|---|
| <p>Scheme of Delegation Reference of Planning Applications to the Regulation Committee for Determination.</p> <p>Following a review of the Scheme of Delegation, Council agreed a series of amendments. A copy of the amended Scheme – with amendments clearly marked - is shown at Appendix A to this report.</p> | 3-80 | District Executive October 2007 |
| <p>Amend Wording re: 1st and 2nd resolutions</p> <p>There have been legislative changes, which mean that Council applications are processed in the same way as all applications and therefore references to 1st and 2nd resolutions are not necessary.</p> <p>The Constitution will be amended to remove all reference to first and second resolutions.</p> | 3-78 & 2-12 | Change in legislation |
| <p>Replace References to Assistant Chief Executive with references to Corporate Director – Communities</p> | Throughout Constitution | |
| <p>Insert amended Financial Procedure Rules</p> | 4-57 to 4-83 | Council December 2007 |
| <p>Insert amended Disciplinary Rules</p> <p>Insert amended Disciplinary Rules as shown at Appendix B to this report.</p> | 4-50 to 4-51 | Council December 2007 |
| <p>Amend Public Participation Protocol to reflect the fact that under the terms of the Code of Conduct, members with prejudicial interests may speak at committee meetings if members of the public are able to do so.</p> <p>Insert the following wording on page 5 -11</p> <p><u>Members with prejudicial interests</u> <i>If an ordinary member of the public would be allowed to speak under the above conditions, Council members should be provided with the same opportunity. Therefore, Council members are able to make representations, answer questions or give evidence, even if they have a prejudicial interest in the item. Members of the Council will be subject to the same time limits as members of the public. They may not, however, take part in the discussion or observe the vote.</i></p> | 5-11 | Change in legislation. |

| Details of Amendment | Page of Constitution | Amendment agreed by (where appropriate) |
|--|-------------------------------|---|
| <p>Amend Member Scheme of Delegation to reflect changes to Portfolio Holder responsibilities</p> <p>As the Leader of the Council informed members at the February meeting of Council, the Portfolio responsibility for Revenues and Benefits has been transferred to the Portfolio Holder for Housing, Environmental Health, Inclusion and Revenues and Benefits. The amendments necessitated by this are shown at Appendix C to this report.</p> | <p>3-33 3-35 3-43</p> | |
| <p>Amendments to Standards Committee Terms of Reference:</p> <p>Recent government legislation means that the following should be inserted into the Standards Committee's Terms of Reference:</p> <p><i>To receive and carry out assessment of complaints and review complaints in accordance with Standards Committee (England) Regulations 2008</i></p> | <p>3-78</p> | <p>Government legislation</p> |
| <p>Health and Safety and Food Safety Service Plans</p> <p>There has been a recent change in the mandatory guidance to Local Authorities (LA) relating to Health and Safety Service Plan which now states:</p> <p>“that the LA Health and Safety Service Plan must be agreed by senior management e.g. Director and Portfolio Holder.”</p> <p>The Food Standards Agency Framework Agreement requires that Food Service Plans should be submitted to the “relevant member forum for approval to ensure local transparency and accountability.”</p> <p>Bearing this in mind, the Leader of the Council has agreed that in future, these Service Plans will be approved by the Portfolio Holder - Housing, Environmental Health, Inclusion and Revenues and Benefits.</p> | <p>3-45</p> | <p>Leader of the Council</p> |
| <p>Changes to Officer Scheme of Delegation</p> <p>There have recently been changes to the Officer Structure in the Housing and Revenues and Benefits Teams. The position of Head of Housing and Welfare no longer exists and the responsibilities</p> | <p>3-63 – 3.64</p> | <p>Chief Executive</p> |

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| Details of Amendment | Page of Constitution | Amendment agreed by (where appropriate) |
|---|----------------------|---|
| have been allocated between the new roles of Acting Head of Revenues and Housing and Corporate Strategic Housing Manager. The Officer Scheme of Delegation must therefore be amended to reflect this. The amendments are detailed at Appendix D to this report. | | |

Financial Implications

There are no financial implications to the recommendations included in this report.

Background Papers: *Council's Constitution*
