

<b>REPORT TO</b>	<b>DATE OF MEETING</b>
<b>CONSTITUTION TASK GROUP GOVERNANCE COMMITTEE CABINET</b>	<b>24 March 2011 24 March 2011 30 March 2011</b>

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<b>SUBJECT</b>	<b>PORTFOLIO</b>	<b>AUTHOR</b>	<b>ITEM</b>
<b>REVIEW OF THE COUNCIL'S CONSTITUTION</b>	<b>NOT APPLICABLE</b>	<b>Martin O'Loughlin</b>	

## 1. SUMMARY AND BACKGROUND

The Constitution Task Group was established to undertake a review of the Constitution by the Governance Committee. This work commenced in 2010 and a first report was submitted to the Governance Committee and subsequently by Cabinet and adopted by Council in April 2010.

That report concentrated on the following areas:

- Part 1 - Summary of the Constitution
- Part 2 - Articles of the Constitution
- Part 3 - Responsibility for Functions
- Part 4 – Procedure Rules
- Future Executive Arrangements
- Other Minor amendments

The recommendations in relation to the future executive arrangements required by The Local Government and Public Involvement in Health Act 2007 for a leader and cabinet executive model (a councillor elected as leader for a 4 year term and two or more councillors of the authority appointed to the executive by the executive leader) was the subject of consultation and was formally adopted by the Council in November 2010.

The adoption of the Leader and cabinet executive model requires a number of changes to the Constitution.

The Constitution Task Group has met on five occasions to consider the proposed changes necessary to the Constitution as a result of changes to the executive arrangements, recent changes to the chief officer structure and at the same time has identified some minor drafting amendments necessary.

These amendments are set out in full in an annotated version of the Constitution in the background papers to this report, included on the Web published version of the Agenda and included on Cllr Connect. The main changes are detailed in Section 3 below.

The Constitution Task Group has also looked at a complete revision of the Standing Orders for Contracts which is the subject of a separate report.

## 2. RECOMMENDATIONS

1. That the proposed changes to the Constitution identified in Section 3 of this report and included in the annotated version of the Constitution be agreed for recommendation to Cabinet.

2. That Cabinet recommend the Council to adopt the proposed changes to the Constitution with effect from the first Council meeting of the new Municipal Year in 2011.
3. The Monitoring Officer be authorised to update the Constitution to reflect the outcomes from Recommendation 2 above.

### **3. MAIN CHANGES**

#### **1. Amendments to the Summary of the Constitution, Article 4 – Council Meeting, Article 8 – Cabinet (Executive), Standing order Nos. 5 and 35.**

To reflect:-

That the Council will elect at the First Business Meeting of the Municipal Year an Executive Leader for a period of four years and that the Leader will appoint a Cabinet.

That the Cabinet is made up of the Executive Leader, a Deputy Leader plus not less than three and not more than eight other councillors, appointed by the Leader for a period to be determined by the Leader.

That the Executive Leader and Deputy Leader would be Chair and Vice Chair of the Cabinet.

That the Leader may be removed from office by resolution of the Council in accordance with Standing Order no. 9.

#### **2. Amendments to Standing Order no 5**

To require the Elected Executive Leader to submit the names of his/her Cabinet to the First Business Meeting of the Municipal Year and any subsequent changes to the next appropriate Council meeting.

To make the Annual Meeting, (Mayoral Installation) the first meeting of each Municipal Year including election year.

#### **3. Amendments to Standing Order no 30**

To reflect that the Cabinet is appointed by the Executive Leader.

#### **4. Amendments to Standing order no 34 and other parts of the Constitution relating to exempt information**

To reflect that in each case the public interest in maintaining the exemption must outweigh the public interest in disclosing it and that the reason for the exemption is to be included in any meeting agenda.

#### **5. Part 4B Area Committees Procedure Rules (Standing Orders)**

##### **5(a). Quorum**

To be amended so that the quorum of Area Committees should be at least one third of the members of the committee who are borough councillors and who represent a ward within the committee's area instead of the current three members.

## 5(b). Appointment of Chairman and Vice-chairman

To be amended so that the chairman and vice-chairman shall be appointed at the first business meeting of the municipal year, instead of at the first Area Committee meeting, from amongst those members of the relevant Area Committee.

## 5(c). Power to Co-opt

To remove the age qualification to be co-opted to an Area Committee. Currently a co-optee must be 18 or over.

## 6. Part 4, I, 3 (a) Officer Employment Procedure Rules 3 (a)

Currently full Council agrees the most appropriate panel for the selection and appointment of the head of paid service. That panel must include at least one member of the Cabinet. This is amended to require that the panel also reflects the Council's political balance.

## WIDER IMPLICATIONS

In the preparation of this report, consideration has been given to the impact of its proposals in all the areas listed below, and the table shows any implications in respect of each of these.

<b>FINANCIAL</b>	There are no financial implications at this stage.		
<b>LEGAL</b>	All relevant legislation has been assessed. Accordingly, there are no legal implications at this stage.		
<b>RISK</b>	Ensuring that the Constitution is up to date and applied effectively is a key element of the corporate governance of the Council. Accordingly, any failure to keep the Constitution fit for purpose could present a risk.		
<b>OTHER (see below)</b>	None		
<i>Asset Management</i>	<i>Corporate Plans and Policies</i>	<i>Crime and Disorder</i>	<i>Efficiency Savings/Value for Money</i>
<i>Equality, Diversity and Community Cohesion</i>	<i>Freedom of Information/ Data Protection</i>	<i>Health and Safety</i>	<i>Health Inequalities</i>
<i>Human Rights Act 1998</i>	<i>Implementing Electronic Government</i>	<i>Staffing, Training and Development</i>	<i>Sustainability</i>

## BACKGROUND DOCUMENTS

The Council's Constitution (available on 'Cllr Connect', 'Connect' and the Council's web-site)  
The Council's Constitution annotated version (available on 'Cllr Connect' and the Council's web-site)