

REPORT FOR: COUNCIL

Date of Meeting: 28 February 2013

Subject: Recommended
Constitutional Changes

Exempt: No

Enclosures: None

Section 1 – Summary & Recommendations

This report details proposed constitutional changes in respect of the operating arrangements for various matters, following consideration by the Constitution Review Working Group.

Recommendations:

That Council consider and decide whether to approve the proposed constitutional changes outlined in the report for adoption and addition to the Constitution where appropriate.

Section 2 – Report

1. The Constitution Review Working Group is an informal body established by agreement between the Group Leaders to receive proposals for alterations or updates to Authority's Constitution for formal submission to Council.
2. The following are proposed changes by the Constitution Review Working Group which comprises members from the two political groups represented on Council:

(A) Leader's Announcements

Currently at Council Procedure Rule 4.3, there is a procedure for the Leader of the Council to address Full Council meetings and make announcements in relation to current achievements and issues involving the Council. The Group considered amendments to this rule to ensure that all Portfolio Holders could speak under this provision, if they wished. This would ensure that Full Council meetings may be provided with a range of information from all different areas of the Council. Set out below is the Working Group's suggested amendment to the Rule for Council to consider.

4.3 Leader and Portfolio Holders' Announcements

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4.3.1 Announcements by the Leader and Portfolio Holders submitted in accordance with Rule 4.2 will be dealt with at ordinary meetings of the Council in the following way:

4.3.1.1 A Leader and Portfolio Holders' Announcements item will appear on the Council's order of business paper as a separate item and the Leader and / or Portfolio Holders may give a short summary statement updating the Council on matters of interest and relevant issues which have come to the fore since the previous meeting of the Council;

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4.3.1.2 The Leader and Portfolio Holders' Announcements will last not more than twenty minutes. Up to 10 minutes will be allowed for the announcements and the remainder of the time will be allowed for questions from Members;

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4.3.1.3 Members will be permitted to ask questions in relation to the announcements on a "first called, first answered" basis;

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4.3.1.4 A Councillor asking a question under Rule 4.3.1.3 may ask one supplementary question at the Council meeting at which the Leader's answer is given. The supplementary question must arise directly out of the original question or the reply.

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4.3.1.5 Leader's Announcements does not apply to Annual, Extraordinary, Council Tax or adjourned meetings of the Council.

RECOMMENDATION TO COUNCIL: That the amendments to the Council's Constitution be agreed.

(B) Reference from the Overview and Scrutiny Committee – 20 September 2012

The Working Group received a reference from the Overview and Scrutiny Committee held on 20 September 2012 which set out amendments to the Performance and Finance Scrutiny Sub-Committee's Terms of Reference as follows:

PROPOSED REVISED TERMS OF REFERENCE

PERFORMANCE & FINANCE SUB-COMMITTEE

The Performance and Finance Sub-Committee has the following powers and duties:

1. To be the key driver of the scrutiny function's work programme and the body responsible for monitoring the performance of the council and partners in relation to their stated priorities;
2. To consider/monitor, on an exception basis, the financial and service performance of the organisation;
3. To consider/monitor the performance of the council's partners;
4. To undertake specific investigation of identified 'hot spots' through Q&A, reports or challenge panels – subject to endorsement by the Overview and Scrutiny Committee;
5. To refer 'hot spots' to the Overview and Scrutiny Committee for more detailed investigation where necessary;
6. To consider such urgent items

RECOMMENDATION TO COUNCIL: That the revised Terms of Reference for the Performance and Finance Scrutiny Sub-Committee be incorporated into the Council's Constitution.

(C) Sealing of Documents

The Contract Procedure Rules (at para. 30.6) referred to contract sealing being the responsibility of the 'Director of Legal Services'. To ensure that there was full clarity that this also related to land deeds it has been proposed that the group proposed that a further delegation be added for the Director of Legal and Governance Services in part 3b of the constitution, page 75, as follows:

<p>Director of Legal and Governance Services</p> <p>1. To institute, defend or participate in any legal proceedings, in any Court or Tribunal and in any case where such action is necessary to give effect to decisions of the Council, or in any case where he or she considers that such action is necessary to protect the Council's interests.</p>	<p>▲ Council</p>
<p>2. To delegate to any officer authority to institute defend or participate in any legal proceedings, in any Court or Tribunal and in any case where such action is necessary to give effect to decisions of the Council, or in any case where he or she considers that such action is necessary to protect the Council's interests.</p>	<p>▲ Council</p>
<p>3. To authorise officers to appear in Court on the Council's behalf.</p>	<p>▲ Council</p>
<p>4. To act as the proper officer for the purposes of Births, Deaths and Marriages</p>	<p>▲ Council</p>
<p>5. To undertake any action necessary to ensure the effective development and implementation of the Council's Corporate Governance Framework.</p>	<p>▲ Council and Executive</p>

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6. <u>To authorise the affixing of the Council's seal and execution of deeds</u>	<u>Council and Executive</u>
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RECOMMENDATION TO COUNCIL: That the amendments to the Council's Constitution be agreed.

Section 3 – Legal, Risk and Financial Implications

There are no risks to the Council in approving changes to the Constitution as this serves as the framework for decision making processes for matters falling within its remit.

The legal implications are addressed within the report.

There are no financial implications associated with this report.

Section 4 - Contact Details and Background Papers

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Background Papers:

Council's Constitution