

CONSTITUTION REVIEW WORKING GROUP HELD ON TUESDAY 3 OCTOBER 2006

Chairman: * Councillor Paul Osborn

Councillors: * Keith Ferry * Stanley Sheinwald
* B E Gate * Tom Weiss
* Christopher Noyce

* Denotes Member present

[It was noted that Councillor Sheinwald was substituting for Councillor Anthony Seymour].

(i) **ARTICLE 4 AND BUDGET AND POLICY PROCEDURE RULES: LIST OF PLANS AND STRATEGIES:**

AGREED: (To recommend to Council)

That, further to changes in legislation, the plans and strategies identified in Article 4.01 (a) and Rule 3 (a) (Budget and Policy Framework Procedure Rules) be amended to the following list:-

- Best Value Performance Plan
- Children and Young People's Plan
- Community Strategy
- Crime and Disorder Reduction Strategy
- Licensing Authority Policy Statement (Formerly Early Years' Development Plan)
- Gambling Policy
- Licensing Policy Local Implementation Plan
- Plans and strategies which together comprise the Development Plan
- Youth Justice Plan

(ii) **ARTICLE 7: SPECIAL PROVISION TO TAKE URGENT ACTION IN AN ELECTION YEAR:**

AGREED: (To recommend to Council)

That the following be added to Article 7:-

- “(a) That following a Borough Election and until the day of the Annual Meeting the Leader or a Portfolio Holder will, if the political group to which they belong do not have a majority of members on the Council, consult and ensure consensus with the Leaders of one or more other groups that together form a majority of member on the Council;
- (b) that following a Borough Election and until the day of the Annual Meeting, if the Leader and Deputy Leader are no longer Councillors, the powers of the Leader shall be exercised by the Head of Paid Services in consultation with all group Leaders”.

(iii) MEETINGS OF THE EXECUTIVE (CABINET): PROVISION FOR QUESTIONS BY MEMBERS:

AGREED: (To recommend to Council)

That an additional Rule be included in Part 4D of the Constitution (Executive Procedure Rules) making provision for Questions to be asked by elected Members at Cabinet meetings.

(The draft Rule is attached in an Appendix 1).

(iv) MEETINGS OF THE EXECUTIVE (CABINET): PROVISIONS GOVERNING SPECIAL MEETINGS:

AGREED: (To recommend to Council)

That an additional Rule be included in Part 4D of the Constitution (Executive Procedure Rules) specifying the process for calling a special meeting of the Cabinet and the restricted business to be undertaken at a special meeting.

(The draft Rule is attached in an Appendix 2).

(v) OFFICER DELEGATIONS: NON EXECUTIVE DECISION PROCEDURE - URGENT ACTION ON BEHALF OF THE COUNCIL AND COMMITTEES OF THE COUNCIL:

AGREED: (To recommend to Council)

That the current delegation to Chief Officers in respect of “Non Executive decision Procedure”, in Section 3B of the Constitution, be amended appropriately and additional procedural information be included so as to give certainty as to the processes to be followed.

(The draft additional information is attached in an Appendix 3).

(vi) POWER TO RESPOND TO EXTERNAL CONSULTANTS: EXECUTIVE TERMS OF REFERENCE AND DELEGATIONS OF DUTIES AND OFFICER DELEGATIONS:

AGREED: (To recommend to Council)

That the existing powers to respond to external consultation requests, held by both the Leader of the Council and also by the Chief Executive, Executive Directors and Statutory Officers, be now subject to appropriate cross referencing within those Constitutional provisions and the officer delegation be subject to the further requirement that they should consider whether the content of a response to a consultation request is best determined at a political or officer level.

(viii) BUSINESS TO BE CONDUCTED AT A CALL-IN SUB COMMITTEE:

AGREED: (To recommend to Council)

That a minor amendment to Rule 25.2 and the insertion of a new Rule 25.3, within the Overview and Scrutiny Procedure Rules, be endorsed for the purpose of providing clarification and certainty as to the business to be considered at a meeting of the Call-In Sub Committee.

(The draft provisions as revised at 25.2 and added in 25.3 are attached as an Appendix 4).

(ix) ADVISORY AND CONSULTATIVE PROCEDURE RULES: POWER TO APPOINT CO-OPTees AND ADVISERS:

AGREED: (To recommend to Council)

That, subject to the Council having adopted a proposed “Procedure for Co-optees and Advisers”, a cross referencing provision from Executive Procedure Rule 2.3 be made within the Advisory and Consultative Procedure Rules (Section 4E), to give clarity on the respective powers to appoint Co-opted members and Advisers and the difference between such appointees, and the following new Rule 4 be inserted at Section 4E (with the subsequent Rules renumbered accordingly).

“4. Appointment of Non-Voting Co-opted Members and Advisers

4.1 The Cabinet may appoint non-voting co-opted members to the Panels and Forums. In addition, the Panel or Forum may also appoint Advisers to assist the work of the Panel or Forum either generally or on specific matters.

4.2 Advisers will be subject to the Protocol on Co-optees and Advisers and to any other rights or restrictions agreed by the Panel or Forum.”

(x) OFFICER DELEGATIONS: CHIEF EXECUTIVE - INDIVIDUAL DELEGATIONS:

AGREED: (To recommend to Council)

That delegations to the Chief Executive currently contained within the Constitution but not reflected in the individual Chief Officer delegations set out at Section 3 B, now be added to the Chief Executive’s Individual Delegations as confirmation of the full extent of those delegations and for the avoidance of doubt, the additions being as follows:-

“1. Article 14 – Finance, Contracts and Legal Matters

14.03 The Chief Executive is authorised to institute, defend or participate in any legal proceedings, 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.

The Chief Executive has delegated powers to authorise officers to appear in Court on the Council's behalf.

2. Section 3A –1 Schedule to the Terms of Reference – Function not to be the responsibility of the Executive

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Function	Provision of Act or Statutory Instrument	Member or Officer Decision
Power to make payments or provide other benefits in cases of maladministration etc.	Section 92 of the Local Government Act 2000	Standards Committee/Chief Executive

(xi) ROLL CALLS [VOTING]:

AGREED: (To recommend to Council)

That the existing provision for a Roll Call of Members to be requested in relation to a vote at a Council or Committee meeting be revised to clarify that the procedure must be invoked before an ordinary vote by show of hands is taken and for this purpose the relevant Rules 19.4 (Council), 21.4 (Committee), 17.5 (Advisory and Consultative) and 30.4 (Overview and Scrutiny) each be amended appropriately; to be prefaced by the following wording:-

“If **immediately before an ordinary vote is taken** three (ten for Council) Members present at the meeting demand it,.....”

(xii) ROLES OF THE LEADER AND CHIEF EXECUTIVE (HEAD OF PAID SERVICE): HIGH ETHICAL STANDARDS:

AGREED: (To recommend to Council)

That the Council's governance arrangements be enhanced by supplementing the written roles/delegations of the Leader and of the Chief Executive with the inclusion of specific wording referring to the attainment and maintenance of high ethical standards, in the appropriate Sections of the Constitution.

(The draft additional provisions are attached as an Appendix 5).