

CONSTITUTION REVIEW WORKING GROUP HELD ON THURSDAY 19 APRIL 2007

Chairman: * Councillor Paul Osborn

Councillors: * Keith Ferry * Paul Scott
* B E Gate * Tom Weiss
* Julia Merison

* Denotes Member present

[Apologies were received from Christopher Noyce and Stanley Sheinwald].

9. Arrangement of Agenda:

It was noted that the meetings of the Constitution Review Working Group were considered to be private and not subject to the provisions of the Access to Information legislation.

10. Proposed Changes to the Council's Constitution:

The Review Working Group received a report from the Director of Legal and Governance Services. The report identified a number of changes that were necessary as a result of the review of the council structure.

The Review Working Group addressed the issues in the report and these were determined as follows:

(i) Article 12 Officers

AGREED: (to recommend to Council)

The changes to the designation of the chief officers and statutory officers posts, as set out in Appendix 1 attached.

(ii) Article 14 – Finance, Contracts and Legal Matters

AGREED: (to recommend to Council)

That the Director of Legal & Governance Services is authorised to deal with legal matters in place of the Chief Executive as set out in Appendix 2 attached.

(iii) Article 15 – Review, Revision and Publication of the Constitution

AGREED: (to recommend to Council)

That Rule 15.03 should clarify that Members and the Chief Executive May propose changes to the Constitution. The rule should be amended to read as follows:

“15.03 Changes to the Constitution

- (a) Subject to 15.04 and 15.05 below, changes to the Constitution will only be effective if approved by full Council.
- (b) The Chief Executive, having first consulted with the Leader of the political groups or their nominees may present a report direct to Council proposing changes to the Constitution. The Chief Executive will consult the Monitoring Officer and/or the Section 151 Officer as appropriate. A senior member of each political party will be nominated as a point of contact on constitutional issues.”

(iv) Scheme of Delegation - Chief Executive, Corporate Directors and Statutory Officers

AGREED: (to recommend to Council)

- (a) The adoption of the revised scheme of delegations (attached at Appendix 3).
- (b) That the detailed responsibility of the Corporate Directors should be updated annually and included at the end of Section 3B of the Constitution.

(v) Key Decision Making by the Executive

AGREED:

- (a) That on completion of the work to clarify
 - Key Decisions will usually be taken by the full Executive (a Cabinet meeting).
 - Individual Portfolio Holders and Chief officers operating delegated powers will not make Key Decisions.
 - In cases of urgent Key Decisions (where otherwise to delay would not be in the Authority’s best interests) the leader make take a Key Decision on behalf of the Executive.
 - All references in the Constitution should accord with these requirements and insofar as they currently do not they would be amended appropriately or deleted. AND
- (b) Subject to the nominated members being satisfied that there were no changes to the various rules,
- (c) That the Monitoring Officer deals with the amendments by way of minor and administrative changes.

(vi) References to the Minute Volume

AGREED:

That the relevant procedure rules should be amended to reflect the fact that the Minute Book is no longer circulated to all Members of Council.

(vii) O&S Review of Call in Procedure

AGREED:

The withdrawal of this item from the agenda.

[Note: The Meeting, having commenced at 5.00 pm, closed at 5.40 pm]

(Signed) COUNCILLOR PAUL OSBORN
Chairman