

REPORT TO Executive & Council
Date of Meeting: 9 February 2016 & 23 February 2016
Report of: Corporate Manager, Democratic & Civic Support
Title: REVIEW OF THE CONSTITUTION

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

1.1.1 This report sets out the recent work and recommendations of the Review of the Constitution Working Group for consideration by Council.

2. Recommendations:

2.1 Executive recommend to Council to approve:-

- (1) The proposed changes to the Scrutiny Committees and Call-In procedures;
- (2) The proposed changes to the Scheme of Delegation to Officers and deputies;
- (3) Revision of the Committee schedule: and
- (4) The amended version of the Council's Constitution.

Full details of which can be found under paragraph 8 of this report and the attached Appendices.

3. Reasons for the recommendation:

3.1 To ensure that the Constitution:-

- Is brought up to date
- Remains a robust document which is fit for purpose
- Continues to match the operational arrangements of the Council.

4. What are the resource implications including non financial resources.

4.1 None

5. Section 151 Officer comments:

5.1 There are no financial implications contained in this report.

6. What are the legal aspects?

6.1 Please see 7. below.

7. Monitoring Officer's comments:

7.1 Article 11 – 11.03(9) of the Council’s Constitution makes clear that the Monitoring Officer must maintain an up to date version of the constitution and this report ensures that the Council’s Constitution is updated as required by law.

8. Report details:

8.1 The purpose of the Constitution is to set out how the Council conducts its business, how decisions are made and the procedures that are followed to ensure that these decisions are effective, efficient and transparent, so that the Council remains accountable to local people. Some of these procedures are required by law while others are a matter for the Council to determine. The Council will exercise all its powers and duties in accordance with the law and its approved Constitution.

8.2 Extraordinary Council on 4 June 2015 (under Minute no.6 resolved as recommended by Executive on 3 June 2016) that the Corporate Manager Democratic and Civic Support and the Democratic Services Manager (Committees) review the Council’s Constitution and Standing Orders to ensure that they remain fit for purpose.

8.3 A Cross Party Working Group was subsequently established to review the constitution and it met on 23 September and 4 November 2015.

During discussions the Working Group considered the following issues:-

- Dates of meetings within the cycle and in particular meetings of the Executive;
- The start times of Committee meetings;
- Responsibilities and Terms of Reference of Scrutiny Committees;
- Alignment of Scrutiny Committees with Portfolio Holders;
- Number of members on Scrutiny Committees
- Call-in procedures
- The number and length of presentations at Scrutiny Committees
- Possibility of Mandatory training for Planning and Licensing Committee Members
- Mandatory training on the Code of Conduct.
- The reduction in size of the Council (from 40 to 39) with effect from May 2016.

8.4 All Members were consulted on the start times of Committee meetings and the number of presentations at committees. The consensus was that that Committee meeting start time should remain as the status quo and that there should be a limit to one presentation per Scrutiny Committee as far as possible.

8.5 The substantive updates by way of content are outlined below:-

- Executive to meet every second Tuesday of the month (bank holidays allowing) and to continue to comprise of 8 members. This will allow for a more regular and evenly spread cycle of Executive meetings, thereby minimising delays in decision making;
- Three Scrutiny Committees to continue albeit with different responsibilities which are better aligned to the responsibilities of the Portfolio Holders;
- Each of the Scrutiny Committees to comprise of 10 members, with their meetings held on the first, second and fourth Thursdays of every other month;
- New Terms of Reference for each of these Scrutiny Committees (details as per appendix);

- Revised call in arrangements where any seven Scrutiny members (irrespective of the Scrutiny Committee on which they serve) could trigger a call-in of an Executive decision (this is a change from the current arrangement of any 5 members of a specific Scrutiny Committee being the trigger-factor).

8.6 Therefore as a result of the change in numbers to the Scrutiny Committees, it is suggested that the size of the Politically Balanced Committees with effect from May 2016 will be:-

Politically Balanced Committees	Size
Planning	13
Licensing	14
Audit and Governance	11
People Scrutiny Committee	10
Place Scrutiny Committee	10
Corporate Services Scrutiny Committee	10
Total	68

8.7 The Committee is reminded that minor adjustments to the size of these Committees so as to ensure that the proportional representation requirements are met, is delegated to the Corporate Manager, Democratic & Civic Support (in consultations with the Leaders of the Political Groups)

8.8 Other amendments to reflect statutory compliance and operational practice have been made which include the updating of officers delegated powers and their nominated deputies.

8.9 The Working Group discussed mandatory training for Planning and Licensing Committee Members and on the Members' Code of Conduct, whilst recognising that there was no statutory authority to force members to attend training on these issues. The Working Group emphasised the importance of this training, it agreed that the Democratic Services (Committees) team would regularly advise the Group Leaders of the attendance figures on all training and development so that they could ensure good attendance. This information would also continue to be presented to the Councillor Development Steering Group.

8.10 The Working Group recommends the proposed changes for approval by Council. Once approved, the master version (which is stored electronically on the council's website), will be updated in readiness for operation with effect from the 2016 Annual General Meeting.

9. How does the decision contribute to the Council's Corporate Plan?

9.1 It ensures that the Council is working as efficiently as possible.

10. What risks are there and how can they be reduced?

10.1 There are no risks associated with the proposals.

11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?

11.1 None

12. Are there any other options?

12.1 None that are considered appropriate to ensure the Council continued to operate in an effective and efficient way.

John Street
Corporate Manager, Democratic & Civic Support

Local Government (Access to Information) Act 1972 (as amended)
Background papers used in compiling this report:-

Contact for enquires:
Democratic Services (Committees)
Room 2.3
01392 265275