

TRAFFORD COUNCIL

Report to: Executive
Date: 29th April 2013
Report for: Consultation
Report of: Acting Director of Legal and Democratic Services and
Monitoring Officer

Report Title

REVIEW OF CONSTITUTION – CONSULTATION ON PROPOSED CHANGES

Summary

The purpose of this report is to outline a number of changes to the Constitution following a full review. The changes will be submitted to the Annual Meeting of the Council on the 22nd May 2013 for consideration and adoption.

The Executive is asked to comment on the proposed changes in accordance with Article 15 prior to their submission to this meeting.

Recommendation(s)

The Council will be recommended to approve the following:

- 1) That the amendments to Parts 1, 2, 4 and 5 of the Constitution be approved.
- 2) That Council notes that Executive functions not covered by the Officers' Scheme of Delegation are delegated by the Leader of the Council as follows:
 - (a) functions are delegated to all individual Executive Members in accordance with the Scheme of Delegation set out in Part 3 of the Constitution;
 - (b) all other functions are delegated to the Executive.
- 3) That the Scheme of Delegation to Officers as set in Part 3 of the Constitution be confirmed.
- 4) That the Acting Director of Legal and Democratic Services be authorised to amend the Constitution of the Council in accordance with and as a consequence of this report.

The Executive is requested to consider the changes and make any comments prior to their submission to the Council meeting.

Contact person for access to background papers and further information:

Name: Peter Forrester
Extension: 1815

Background Papers:

None

Background Information

Relationship to Corporate Priorities	The report is relevant to all of the Council's corporate priorities.
Financial	There are no specific financial issues arising from this report about the constitutional changes. The financial and contractual procedure rules have been updated as part of the review.
Legal Implications	The Council is required to review and update its constitution from time to time. This report reflects the review carried out by the Acting Director of Legal and Democratic Services.
Equality/Diversity Implications	None
Sustainability Implications	None
Staffing/E-Government/Asset Management Implications	None
Risk Management Implications	None
Health and Wellbeing Implications	None
Health and Safety Implications	None

Finance Officer Clearance (type in initials).....ID.....

Legal Officer Clearance (type in initials).....JLF.....

[CORPORATE] DIRECTOR'S SIGNATURE

(electronic).....WM.....

To confirm that the Financial and Legal Implications have been considered and the Executive Member has cleared the report.

Background

It is the duty of the Council's Monitoring Officer to review the Constitution from time to time and to propose amendments to the Council. Generally amendments are proposed at the Council's Annual General Meeting to reflect any changes which are proposed to the schemes of delegation for both Members and Officers, together with any further amendments which may be considered to be necessary for the efficient and effective management of the Council and Council services.

Article 15 of the Constitution requires that any proposed changes to the Constitution should be referred to the Executive, Standards Committee and Standards Committee for comment prior to consideration by the Council at the Annual Meeting on 22nd May 2013.

Review of the Constitution

The current Constitution has been in place for some time and has been updated as and when new legislation and regulations have come into force.

However, it was felt necessary to carry out a full review this year to ensure that all changes have been made and to ensure that working practices are still relevant for the efficient operation of the Council.

Parts 1, 2, 3, 4 and 5 of the Constitution have been reviewed and any recommended changes have been published on the Council's website. Changes are highlighted clearly but a summary of the changes that have been made is set out below.

Summary of Changes

Part 1 - Summary of Constitution for Executive Governance

Contains minor typographical changes and update to reflect Executive Regulations issued in September 2012.

Includes general tidying up and updating of the Rights of Members of the Public section to reflect updates since publication of the constitution.

Part 2 – Articles of the Constitution

Article	Changes
Article 2 – Members of the Council	Minor amendments to reflect changes since constitution was published
Article 3 – Rights of Members of the Public	Minor changes around access to information.
Article 4 – The Council meeting	4.01 (a) Policy Framework The policy framework has been updated in line with changes to legislation alongside recommended changes as follows Delete the following: - Annual Plan (comprising the compendium of best value

	<p>performance indicators) as BVPP is no longer a statutory document.</p> <ul style="list-style-type: none"> - Community care plan – no longer a statutory document - Health Improvement Programme (replaced by Health and Wellbeing Strategy) - Cultural Strategy (Executive Document) - Environmental and Sustainability Strategy (Executive Document) <p>Add</p> <ul style="list-style-type: none"> - Licensing Policy (requires Council approval) - Gambling Policy (requires Council approval) <p>Note</p> <p><i>The Health and Wellbeing Strategy will be added to the framework when this has been agreed</i></p> <p>(c) Amendment to text about housing land transfer to reflect legislative changes</p> <p>4.02 Changes to reflect Leader and Executive model of governance</p>
Article 5 – Chairing the Council	Updated to reflect changes to Standards arrangements under the Localism Act 2011.
Article 6 – Overview and Scrutiny Committee	Updated to reflect current legislative framework for scrutiny.
Article 7 – The Executive	Updated to reflect changes to Standards arrangements under the Localism Act 2011 and Leader and Executive model of governance
Article 11 – Joint Arrangements	Minor typographical changes
Article 12 – Officers	<p>Minor changes to core role of Chief Executive to indicate that they may delegate representation on outside bodies.</p> <p>Updated Monitoring Officer section to reflect new Standards arrangements</p>
Article 13 – Decision Making	Updated 13.02 to include public sector equality duty and general equalities duties.
Article 15 – Review and Revision of the Constitution	<p>Minor amendment regarding the need to consult the Executive, Scrutiny and Standards Committees on amendments to the constitution.</p> <p>This would reduce the need for the Monitoring Officer to consult on minor typographical changes.</p>

Article 16 – Suspension, Interpretation and Publication of the Constitution	Change to 16/03 to reflect electronic publication of the constitution.
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Part 3 – Responsibility for Functions

A number of suggested changes to the schemes of delegation are set out and are included in part 3 of the Constitution. .

Part 4 – Rules of Procedure

The Rules of Procedure contain a number of minor changes which are either typographical or update the Constitution in line with changes to practice or in line with Executive Regulations published in September 2012.

Part 4 – Financial Procedure Rules

A number of changes are proposed for the Financial Procedure Rules and these are attached.

Part 4 – Contract Procedures

A number of changes are proposed for the Contract Procedure Rules and these are attached.

Part 5 – Codes of Conduct

The section includes

- Revised protocols for Scrutiny and Health Scrutiny
- New Member/Officer protocol.