

TRAFFORD COUNCIL

Report to: Annual Council
Date: 22nd May 2013
Report for: Decision
Report of: Acting Director of Legal and Democratic Services and
Monitoring Officer

Report Title

DELEGATION OF FUNCTIONS AND AMENDMENTS TO THE CONSTITUTION

Summary

To confirm arrangements for the delegation of Council (non-Executive) and Executive functions and to obtain Council's agreement to amend the Constitution of the Council to incorporate these arrangements.

To obtain Council's agreement to amend the Constitution of the Council to reflect changes to the Officer Scheme of delegation and a number of changes following a review of the documents that form the Constitution.

Recommendation(s)

The Council be recommended to approve the following:

- 1) 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.
- 2) That the Scheme of Delegation to Officers as set in Part 3 of the Constitution be confirmed.
- 3) That the other amendments to Parts 1, 2, 4 and 5 of the Constitution be approved.
- 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.

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	The Constitution reflects all of the requirements required by legislation.
Sustainability Implications	None
Staffing/E-Government/Asset Management Implications	None
Risk Management Implications	None
Health and Wellbeing Implications	None
Health and Safety Implications	None

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.

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.

The review covers Parts 1, 2, 3, 4 and 5 of the Constitution and any recommended changes have been included in "track changes" versions and published on the Council's website. The changes are highlighted clearly but a brief summary 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	<p>4.01</p> <p>(a) Policy Framework</p> <p>The policy framework has been updated in line with changes to legislation alongside recommended changes as follows</p> <p>Delete the following:</p> <ul style="list-style-type: none"> - Annual Plan (comprising the compendium of best value performance indicators) as BVPP is no longer a statutory document. - 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	Minor changes to core role of Chief Executive to indicate that they may delegate their representation on outside bodies. Updated Monitoring Officer section to reflect new Standards arrangements
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	Minor amendment regarding the need to consult the Executive, Scrutiny and Standards Committees on amendments to the constitution. This would reduce the need for the Monitoring Officer to consult on minor typographical changes.
Article 16 – Suspension, Interpretation and Publication of the Constitution	Change to 16/03 to reflect electronic publication of the constitution.

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.

The Leader of the Council determines how, and by whom, executive functions are carried out. The Leader has agreed a scheme of delegation of executive functions to the individual members of the Executive.

The current Officer Scheme of Delegation as set out in the Constitution approved at the meeting of Council on the 27th June 2012 has been reviewed and suggested changes are also set out.

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.

Consultation on Proposed Changes

Any proposed changes to the Constitution should be considered by the Executive, Scrutiny Committee and Standards Committee prior to referral to Council under Article 15. The Executive met on the 29th April 2013, Scrutiny Committee on the 8th May and the Standards Committee met on the 9th May. There were no significant issues raised and any suggestions have been taken into account in the versions published alongside this agenda.