

SPECIAL COUNCIL MEETING – 28 August 2001

Agenda Item No: 2

Title: The Council's New Constitution

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Summary

- 1 This report recommends that, following decisions taken on 24 April and 2 July 2001, the Council formally adopts the Constitution set out in the documents referred to in this report to take effect from 1 September 2001.

Background

- 2 On 24 April 2001, the Council decided to adopt a political management system consisting of alternative arrangements in accordance with Sections 31-33 of the Local Government Act 2000. On 2 July 2001, it approved in principle draft Council Procedure Rules, Financial Regulations, Delegation Scheme and Access to Information Procedure Rules. It also authorised the Officers to submit a summary draft constitution to the Department of Transport, Local Government and the Regions (DTLR) to enable the new structure to be in place by 1 September 2001.
- 3 The Chief Executive duly submitted the draft summary constitution and the DTLR has acknowledged receipt.

The Constitution

- 4 The Summary Constitution now before Members is that submitted to the DTLR and may be regarded as the base document, and the other documents as appendices. The constitution as a whole will be a living document, being up-dated from time to time.

Amended Documents

- 5 The documents submitted to the Council on 2 July have been revised in the light of comments from Members and Officers and are grouped together for ease of reference on pages 9 to 65. Amendments to the original drafts are shown in italics.
- 6 The Council's *Statutory Officers' Protocol* has been revised in the light of the former DETR's statutory guidance and has therefore been circulated.
- 7 The amendments to the new *Financial Regulations* are largely intended to eliminate matters which are considered to be more appropriate to the *Council Procedure Rules*. Also, the term "Chief Financial Officer" has been substituted for "Finance Director" throughout, but is not shown in italics.

- 8 The *Delegation Scheme* has been amended in an effort to group together, for example, areas of delegation to all Policy Committees, and there have been some changes in terminology.
- 9 It has been suggested that the provision of public conveniences, which in the new arrangements currently scheme rests with the Resources Committee, should be the responsibility of the Health and Housing Committee.
- 10 Similarly, it has been suggested that issues concerning rights of way (currently with the Development Control and Licensing Committee) and street naming and numbering (Health and Housing Committee) might be more logically within the remit of the Environment and Transport Committee.
- 11 Members are asked whether they wish to form a view on these issues now or when the new arrangements are reviewed in March 2002.

New Documents

- 12 Members have not previously seen the following documents:

Overview and Scrutiny Procedure Rules – These should be read in conjunction with the relevant section of the Delegation Scheme.

Finance, Contracts, and Legal Matters – This is the umbrella for Financial Regulations and Contract Procedure Rules. It includes some matters previously in Standing Orders.

Officer Employment Procedure Rules – These comply with the Local Government and Housing Act 1989 and DETR's guidance.

The modular constitutions which are part of the Guidance have been used in the work done so far and have been adapted where appropriate.

Other Documents

- 13 It has not been thought necessary to circulate some. The Council's existing *Contracts Standing Orders* and *Financial Regulations* are considered adequate in the short term and will have to be treated flexibly in the spirit of the new constitution until new, detailed procedures are completed. Similarly, the existing *Councillors' Code*, *Member/Officer Protocol* and *Code of Practice: Probity in Planning* will serve for the time being, but will have to be up-dated in the light of forthcoming legislation. The *Policy on Members' Allowances* is effectively the scheme which the Council approved on 24 April and which will be reviewed by an Independent Panel. Overall, more work remains to be done.

RECOMMENDED that the Council

- 1 forms a view on the issues raised in paragraphs 9 and 10 of this report

- 2 confirms its intention to adopt a political management system under the alternative arrangements provisions of the Local Government Act 2000.
- 3 formally approves the new constitution now before it to take effect from 1 September 2001.

Background Papers: Local Government Act 2000
DETR Guidance
Council and Committee Minutes