

Committee: Council
Date: 15 February 2007
Agenda Item No: 17
Title: Organisational Restructuring: Consequential Constitutional Changes
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Summary

- 1 This report sets out the suggested constitutional changes which are needed as a consequence of the Organisational Review.

Situation

1. In December 2006, Council agreed a set of recommendations to set in train a programme of transformation, with the expressed aim of Uttlesford becoming the per-eminent small District Council in England by 2011. This ambition requires a significant programme of work which is further detailed elsewhere on this agenda. There were also changes to the management structure of the Council. As a result of these changes, it is necessary to update the Council's constitution to reflect the current structure.
2. In addition, Community Committee, at its meeting in January agreed the following:

“RECOMMENDED to full Council that the Housing Strategy Working Group be renamed the Housing Board and given decision-making powers. It should have a minimum of 5 meetings per committee year with additional meetings for rent setting and the housing strategy when required. Officers be asked to prepare a report to Council setting out proposed powers and responsibilities of the Board”.

This report also addressed that recommendation.

Consequential Changes

3. The constitutional changes required as a direct result of the management restructure are set out in Appendix 1 to this report. There are largely changes to officer delegations which either pick-up on changes of titles or the removal of certain posts from the structure and the transfer of delegated powers to a clearly identified successor.

Housing Board proposal

4. The recommendation from Community Committee suggests the creation of a new type of body within the Council's structure and this presents a number of challenges: procedural, constitutional and legal.
5. Procedurally, the creation of a Board with decision-making powers requires a constitutional amendment which, as Members will recall, needs to be considered by the Constitution Task Group and then would need to be moved at one meeting of the Council and debated and decided at the next. This means that the earliest a board of the nature described in the recommendation could be established would be at the Annual Meeting in May.
6. Legally, the determination of rents is reserved to full Council, although it can choose to seek advice from another body on the issue.
7. Therefore, if Members wish to pursue the option of a decision-making body the recommendation is that the matter should be referred to the Constitution Task Group as set out above.
8. An alternative approach would be to reconfigure and redesignate the existing Housing Strategy Task Group to ensure that Members are able to give clear guidance to officers on the Council's political aspirations in respect of the housing service.
9. The current Housing Strategy Task Group consists of four members. Its terms of reference are not clear. Originally the Working Group was established to advise officers in the preparation of the Council's Housing Strategy. Over the years its role in practice has migrated to assume a more general advisory role. If a new advisory board is to be established, then its terms of reference should certainly be clarified.
10. The responsibility for the delivery of the housing service rests squarely with the Head of Housing Management and the Director of Operations. They are responsible to the elected Members of the Council (and through them to the public) for the effective delivery of the service within the resources, policies and priorities set by the Council. It is important for the future development of the service that those roles are not confused. Accordingly, it is proposed that the draft terms of reference for a new Housing Strategy Board might be:

"To advise the Head of Housing Management, the Director of Operations or their deputies on the strategic development of the Council's housing service within the policy and resource framework established by Council."
11. Such an entity can be established by a simple resolution of the Council so could be set up immediately. If they wish to pursue this route, Members should consider:
 - the size of the Housing Strategy Board.
 - whether there should be any non-Member representation on the board (eg tenant representatives)

Other Constitutional Issues

12. A number of Members have expressed concern over some aspects of the operation of the current constitution. In particular, the following three issues have been identified.

- the ability of area panels to make decisions in their own area due to the lack of appropriate delegated authority;
- the number of items on many committee agendas making for lengthy meetings and reducing the ability to debate issues properly;
- the tendency for some items to 'bounce' between panels, committees and/or Council due to a lack of flexibility within the scheme of delegation.

It is proposed that the Constitution Task Group be asked to consider each of these issues (Members may wish to add to the list) with a view to any potential constitutional amendments being moved at the April Council meeting.

Background Papers: Nil.