

AMENDMENTS TO THE CONSTITUTION

Full Council, Item 10

Committee: FULL COUNCIL
Date: 22 APRIL 2008
Title: AMENDMENTS TO THE CONSTITUTION
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Agenda Item

10

Item for
decision

Summary

This report is to inform Members of changes to the Constitution:-

1. proposed by the Constitution Task Group
2. to reflect changes in legislation introduced by the Local Government and Public Involvement in Health Act 2007
3. to update the Constitution since the last review

Recommendations

1. That a motion be proposed and seconded to adopt the revisions to the Articles and Procedure Rules set out in Annex A (Parts 1, 2 and 3) be moved and seconded and that thereafter the motion stand adjourned to the annual meeting of Full Council on 13 May 2008 without discussion pursuant to Article 17.2 of the Constitution and Procedure Rule 19.2
2. That the remaining proposed variations to the Constitution be agreed with immediate effect

Background Papers

None

Impact

Communication/Consultation	Letters will be sent to all Parish clerks informing them of the proposed changes to the Constitution and a press release will be issued giving details of where the proposed changes can be inspected.
Community Safety	None
Equalities	None
Finance	None

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Human Rights	None
Legal implications	Certain of the amendments are necessary to give effect to recent legislation
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Situation

- 1 The Constitution Task Group have met to review the operation of the Constitution. It has proposed some amendments to the Constitution, in particular regarding the existence of Area Panels. The Group recommend that the role of the Panels should be expanded to involve other groups such as the Police Authority, the Fire and Rescue Service, Highways, the PCT etc.
- 2 In order to fit in with these groups and secure their maximum input it will be necessary to reduce the number of Council bodies from 3 to 2. The proposal is that there should therefore be 2 Area Forums.
- 3 If these Forums were to have the status of Committees of the Council (either to perform functions of the Council or to act in an advisory capacity) they would need to be politically balanced in order to comply with the provisions of the Local Government and Housing Act 1989. Details of these rules are contained in another report on this agenda. The exemption which permits area committees to be appointed where the Members of the Committee are the Members for wards covered by the area does not apply where an area exceeds 40% of the geographical area of the district or contains more than 40% of the population of the District.
- 4 The effect of the political balance rules is that whilst every Member of the Council would have a seat on an Area Forum a number of Members would have to sit on a Forum in an area which did not contain their ward. The proposal is therefore that the Forums should be consultation bodies meeting 3 times a year.
- 5 The Constitution Task Group also recommends that it should be re-constituted as a Working Group. The Constitution differentiates between Task Groups and Working Groups. The former may be appointed by the Council or a Committee, must be time limited and ceases to exist on the production of a final report or the date such a report is due (whether or not a report has been prepared). Working Groups on the other hand can only be appointed by Full Council. They are not time limited although they are subject to review at Annual Council. Good practice requires the Constitution to be constantly

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under review and an on-going Working Group is better suited to that purpose than a time limited Task Group.

- 6 In addition to the amendments proposed by the Constitution Task Group there are a number of updates required to take account of changes since the Constitution was last reviewed in May 2007 and changes are also required to reflect changes in legislation since that review.
- 7 Appendix A is a schedule of amendments which are required. The first column identifies the location of the proposed amendment. The second column gives the reference of the provision. Columns 3 and 4 give details of deletions and insertions respectively. Column 5 explains why the revision is desirable. Due to the vast amount of paper it would take to produce hard copy versions of the draft revised constitution (each copy requiring 111 sheets of A4) this will not be done but Members will receive an e-mail with all documents within the Constitution attached with tracked changes for ease of reference. Where there are major changes these are attached to the schedule in full.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
There are no risks associated with this report			