

COUNCIL BUSINESS COMMITTEE

Constitutional Review 13th September 2007

Report of Monitoring Officer

PURPOSE OF REPORT

The report recommends some revisions to the Constitution following a recent review.

This report is public

1.0 RECOMMENDATIONS

That the following amendments to the Constitution be approved with immediate effect:

- (1) **A new Part, Appointments and Designations be created (and subsequent Parts re-numbered) to include:**
 - **the rules relating to the Election of the Mayor and Member seniority (currently in Part 4, Section 1)**
 - **the appointment of the Mother/Father of the Council**
 - **Grouping arrangements for the calculation of PR**
 - **protocol for Appointments to Outside Bodies**
 - **designation of Champions**

- (2) **A new Part, Financial Regulations be created (and subsequent parts re-numbered) to include:**
 - **The current Part 4, Section 6, Financial Regulations and Procedures**
 - **The current Part 4, Section 7, Contract Procedure Rules**

2.0 Introduction

- 2.1 The Monitoring Officer and Deputy Monitoring have been undertaking an update of the Constitution to put in place all the decisions of Council, Council Business Committee and Audit Committee over the past year.
- 2.2 Having completed the update, the opportunity was taken to undertake a thorough check, cross-checking references and making any consequential updates.
- 2.3 At the same time the Section 151 Officer has been preparing a report to the Audit Committee recommending some changes to the Financial Procedures.
- 2.4 In undertaking this check, it has become apparent that there are sections which could be better positioned within the Constitution and this report therefore suggests 2 amendments to the layout of the Constitution for consideration and approval by this Committee.

- 2.5 Following Members' decision the Constitution is ready to be re-printed and a copy will be supplied to all Members shortly.

3.0 Proposal Details

- 3.1 At Council in December 2006, Members approved the appointment of a Mother/Father of the Council as part of the Civic Review undertaken by Overview & Scrutiny. Consideration has been given to how the details of this appointment should be included in the Constitution and initially it was intended to include this alongside the Council Procedure Rules relating to the selection of the Mayor and Member Seniority.
- 3.2 Strictly speaking however neither the appointment of a Mother/Father or the Council nor the rules relating to the selection of the Mayor are Council Procedure Rules and it is suggested therefore that a new Part be created entitled 'Appointments and Designations' in which to locate these rules. This would also provide an opportunity to include a record of other Council approved rules relating to appointments such as the designation of Member and/or Officer Champions, the agreed Grouping arrangements and protocol for the calculation of PR for Committee appointments and the arrangements for appointing representatives to outside bodies, which can currently only be identified by reference to the original Council Minute.
- 3.3 Furthermore, the Financial Regulations and Contract Procedure Rules currently form Sections 6 and 7 of Part 4, Rules of Procedure.
- 3.4 Amendments to these 2 sections are delegated to the Audit Committee (see Article 15.02 of the Constitution) and it is suggested that they would be better arranged as Sections of a self contained Part relating purely to Financial Rules and Regulations, resulting in a more easily identifiable section to refer to when guidance on financial matters is being sought.
- 3.5 Should Members agree to this suggestion then the Sections as approved by the Audit Committee on 19th September will be relocated as Part 5 and subsequent Parts renumbered.

4.0 Options and Options Analysis (including risk assessment)

- 4.1 The options available to the Committee are to approve the suggested revision to the layout of the Constitution, to approve an amended revision or to agree that the Constitution remain unchanged.

5.0 Conclusion

- 5.1 The proposals set out in the report are to make 'cosmetic' amendments to the Constitution with the intention of making it easier to use and providing a better record of Member agreed protocols and appointments.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None.

FINANCIAL IMPLICATIONS

There are no direct financial implications as a result of this report.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

LEGAL IMPLICATIONS

In accordance with Article 15 of the Constitution, changes to the Constitution can only be made as a result of recommendations from the Monitoring Officer or Audit Committee. Full Council is responsible for approving changes relating to the Articles and Responsibility for Functions and changes to the Financial Regulations have been delegated to the audit Committee. Responsibility for amendments to the remainder of the Constitution has been delegated to the Council Business Committee.

The Monitoring Officer is responsible for ensuring that the Constitution is kept up to date and making any textual, factual or consequential amendments as required for that purpose.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

None

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