

MEETING:	STANDARDS COMMITTEE
DATE:	08 JANUARY 2010
TITLE OF REPORT:	NEW CONSTITUTION – COVERING REPORT
PORTFOLIO AREA:	LEADER OF THE COUNCIL

CLASSIFICATION: This is an open report.

Wards Affected

County-wide

Purpose

To consider the attached report from the Assistant Chief Executive – Legal and Democratic, which went to Council on 13 November 2009, and note the resolutions made.

Recommendation(s)

THAT the Standards Committee notes and comments on the new Constitution.

Key Points

1. The Constitution report was considered by Council on 13 November 2009, and the current final draft Constitution will be finalised and printed on 28 December 2009.
2. Council approved the new Constitution in principle and made the following resolutions:

THAT Council:

- a) **agrees that its new Constitution will take effect on 1 January 2010;**
- b) **confirms the composition and Members of the Planning Committee and asks Group Leaders to review their nominations to reflect geographic diversity and notify the Chief Executive of any changes to the membership of the Committee;**
- c) **designates its Community Services Scrutiny Committee as its Crime and Disorder Committee;**
- d) **instructs the Chief Executive to prepare and adopt a scheme of delegation in accordance with the new Constitution by no later than 1 January 2010;**

- e) **approves the core content and principles in its new Constitution and instructs the Monitoring Officer to:**
 - i. **complete Parts 6 and 7 of the Constitution before 1 January 2010;**
 - ii. **complete Part 8 of the Constitution as soon as possible after 1 January 2010;**
 - iii. **incorporate any amendments agreed by Council into the new Constitution, which includes retaining the financial limit for key decisions at £500k;**
 - iv. **correct any typographic or other errors; and**
 - v. **deliver training as appropriate on the new Constitution;**
- f) **agrees that the Monitoring Officer be authorised to finalise the Constitution in consultation with the Chairman of the Council;**
- g) **recommends that the Monitoring Officer undertake the following:**
 - i. **to complete the web-enabling of the Constitution;**
 - ii. **to review the deferred matters referred to in this report;**
 - iii. **to consult with the Standards Committee about whether the new Constitution promotes high standards of conduct within the Council;**
 - iv. **to consult and seek views from partners and the public on the new Constitution;**
 - v. **present a further report(s) as necessary reflecting that further work; and**
 - vi. **carry out this work with the Constitutional Review Working Group;**
- h) **agrees that the Constitutional Review Working Group be retained to assist with such further work as it determines.**

3. The tidying up, formatting, correcting grammatical errors have been done and the latest version that takes effect on 1st January will be posted under separate cover. It is due to be printed on 28 December 2009.

4. A Chief Executive's scheme of delegation will be in place by 1 January 2009 and that will make it clear who is authorised to fulfil the functions delegated to him under the new Functions Scheme in Part 3 of the Constitution. That scheme of delegation will include:

- (1) A description of the areas of specific responsibility of each of those who will be fulfilling functions on behalf of the Chief Executive;
- (2) A description of the areas general management responsibility of all of those person(s);
- (3) A description of any specific legislative functions that will be fulfilled by any of those person(s);
- (4) A description of any proper officer functions that will be fulfilled by any of those person(s).

5. In January, each Directorate will produce an internal scheme of delegation that makes it clear who in turn is authorised to fulfil any of those functions within each directorate. Only the Deputy Chief Executive, the Assistant Chief Executive, Directors, Heads of Service and Service Managers will be so authorised. This cascade form of scheme will ensure that the Council, councillors, staff, partners and the public are clearer about who is authorised to fulfil council functions. The details of the Chief Executive's scheme of delegation will be communicated accordingly.
6. Information is being gathered from across directorates on planned or anticipated activities that will be taking place in the next 6-12 months that will require formal decision either by the Council, its committees, the Cabinet, the individual Cabinet members, or senior officer under the scheme of delegation. This information will be captured in a master forward plan and will be reflected in each Directorate's forward plan. It is anticipated that a nominee of each directorate will act as the agenda manager for that directorate and will provide a channel through which this information can be passed in future and who will be responsible for helping the Democratic Services team to keep the plan regularly updated. This planning process will help ensure that all decisions follow the appropriate decision making route including any informal steps. It will encourage earlier preparation of reports and will enable report writers to obtain input from other colleagues e.g. legal, financial and HR, at an earlier stage in the process.
7. These two developments will have a clear governance benefit in that it will be easier to see that the right people are taking the right decisions, in the right way, at the right time and for the right reasons.
8. The follow up work on those areas specified in paragraph 54-55 of the report to Council on 13 November will be planned in January and delivered in first half of 2010.
9. The document will be kept under review and will be subject to further amendment in 2010, and Standards Committee views are important to that next phase of work.

Appendices

- Report to Council on 13 November 2009.