

# REPORT FROM THE CONSTITUTIONAL REVIEW WORKING GROUP

## PORTFOLIO RESPONSIBILITY: CORPORATE STRATEGY AND FINANCE

CABINET

20TH JULY, 2006

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### Wards Affected

None

### Purpose

To continue the on-going review of the Council's Constitution.

### Key Decision

This is not a Key Decision.

### Reasons

To implement proposed changes to the Council's Constitution.

### Considerations

1. The Constitutional Review Working Group has met on 30th May, 2006 and 17th July, 2006. The Group has addressed the twofold issues of some limited detailed amendments to the Constitution and the issues raised as part of the Corporate Assessment undertaken in the latter part of 2005. The Assessment raised a number of issues in relation to the improvement of the Council's capacity which had been incorporated in the Council's overall Improvement Plan.
2. The Constitutional Review Working Group recognised the tension which existed between the need to address the issues raised in the Corporate Assessment and incorporated in the overall Improvement Programme and the practical issue of the disruption which might arise if there was to be a wholesale review of Cabinet portfolios in circumstances where in practical terms there would be less than nine months until the elections in May, 2007.
3. Whilst it was important to respond to the Improvement Plan, the Chief Executive advised that that might be more easily achieved by adopting the practice followed in many other authorities of determining the range of Cabinet numbers but leaving it to the Leader to determine the precise Cabinet portfolios and the appointments. The Constitutional Review Working Group recognised that in practice that was what currently happened and the Leader confirmed that he would want to continue the practice of working through the meetings of political group leaders.
4. The Leader explained that he would wish to maintain continuity within the current administration and it was accepted that the three strategic portfolios - Corporate

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Further information on the subject of this report is available from  
Mrs. Jane Jones, Director of Corporate and Customer Services on (01432) 260042

Strategy and Finance (the Leader has traditionally undertaken this role), Resources; and Corporate and Customer Services and Human Resources were seen as appropriate strategic portfolios and he would propose no change.

5. The issue that had been raised in the Corporate Assessment was the coherence of the current service portfolios. Whilst there was an immediate attraction to adopting the blocks set out in the Local Area Agreement, it was important to recognise that they did not necessarily reflect some of the local priorities. In particular, there would be a need to maintain a focus on the Environment and Sustainability.
6. Within those broad parameters, the Leader would seek to balance the need for continuity with the need in the short term to undertake some revision to Cabinet portfolios to improve the coherence of some of the individual portfolios. The Constitutional Review Working Group has also recommended the changes in the following areas:
  - Agenda for the Council meeting to approve the budget and set the council tax
  - the adoption of revised Financial Standing Orders (a copy of the revised Financial Standing Orders which will be incorporated in the Constitution is available in the Members' Room)
  - Audit Committee membership - The Constitutional Review Working Group has recommended that changes be made in the name of the Committee, the Terms of Reference and to establish the ability to appoint an independent Chairman.
  - delegated powers for Traffic Regulation Orders and Food Safety prosecutions - the Constitutional Review Working Group has recommended detailed amendments to the Constitution to facilitate the transaction of the Council's business.
  - discretionary payments - The Constitutional Review Working Group has recommended the establishment of a panel to address the award of compensation to senior employees in circumstances where their contracts are terminated.
7. The Constitutional Review Working Group request Cabinet to consider making the following recommendations to full Council on Friday, 28th July, 2006

## **Recommendation(s)**

**THAT**

- (a) **Council agrees to amend the Constitution to provide for a Cabinet to be established between three and nine members. Those members to be appointed by the Leader of the Council and the membership and the individual portfolios to be notified to the Head of Legal and Democratic Services for inclusion as an Appendix to the Constitution;**
- (b) **Council agrees to the extension to the powers of the Strategic Monitoring Committee to allow it to commission work from any of the four Scrutiny Committees;**

- (c) Council agrees that the Council meeting in March be reserved to approve the budget and the setting of the council tax and associated business together with statutory plans that need to be approved by Council and that cannot be delayed and consequentially Standing Order 4.25.10 “Questions will not be accepted at the March meeting of the Council that sets the budget and council tax” be introduced;
- (d) Council approves the revised Financial Standing Orders, copies of which have been made available to the Constitutional Review Working Group and a further copy of which is available for inspection in the Members’ Room;
- (e) Council agrees to make the following amendments to the Constitution in respect of the role of the Audit Committee;

  - (i) the name of the Committee be amended to the Audit and Corporate Governance Committee;
  - (ii) the Terms of Reference as recommended by CIPFA be approved;
  - (iii) the Audit Committee approve the Terms of Reference for Internal Audit, the Internal Audit Strategy and consider the resourcing of Internal Audit; and
  - (iv) the Constitution be amended to permit the appointment of an independent Chairman of the Audit Committee;
- (f) provision be made in the Constitution for the establishment of a Compensation (Enhanced Payments) Panel whose Terms of Reference would be to address the award of compensation to senior employees in circumstances where their contracts are terminated and that that Panel consist of the Cabinet Member (Resources); the Cabinet Member (Corporate and Customer Services and Human Resources) and the Chairman of the Audit Committee
- (g) Council approves the following detailed amendments to the Constitution to improve the arrangements for delegating powers in respect of Traffic Regulation Orders and Food Safety prosecutions:

  - (i) Appendix 23 of the Constitution be amended to provide for the Director of Environment to make a decision to advertise any proposals for a Traffic Regulation Order (including traffic calming measures) and to proceed to make the same if no objections are forthcoming; and
  - (ii) Part 12, 12.7.4 of the Constitution be amended by adding a specific reference enabling the Director of Environment to commence prosecutions under the provisions of the Food Safety Act, 2990 (As Amended) and the European Communities Act 1972 including any Regulations made pursuant to those acts or any re-enactment thereof; and

- (h) **the Head of Legal and Democratic Services be given delegated power to undertake the necessary drafting amendments to give support to the recommendations contained above.**

## **Risk Management**

The Council needs to ensure that its Constitution reflects current practice and needs.

## **Alternative Options**

There were no realistic alternative options other than to leave the Constitution unamended or make different amendments.

## **Consultees**

None.

## **Appendices**

None

## **Background Papers**

None identified.