

TELFORD & WREKIN COUNCIL

COUNCIL – 29TH APRIL, 2010

REVISION OF COUNCIL CONSTITUTION

REPORT OF THE HEAD OF GOVERNANCE

1.0 PURPOSE

- 1.1 To request the Committee to agree the proposed changes to the Constitution, as set out in the report, and recommend their approval to full Council.

2.0 RECOMMENDATIONS

That the Committee recommend to Council:

- 2.1 **The changes to Article 12 of the Constitution as shown in Annex A of the report;**
- 2.2 **The changes to Part 4 – Rules of Procedure – Section 6 Financial Regulations within the Constitution as shown in Annex B of the report;**
- 2.3 **The deletion of Part 7 – Management Structure, as shown in Annex C of the report, from the Constitution;**
- 2.4 **The changes to the Terms of Reference of the Audit Committee as set out in Annex D of the report;**
- 2.5 **The changes to the Terms of Reference of the Appeals Committee as set out in paragraph 8.2 of the report;**

3.0 SUMMARY

- 3.1 The main changes to Article 12 are required to incorporate recent legislation in respect of the requirement for local authorities to have designated a Director of Children’s Services, a Director of Adult Social Care and a Scrutiny Officer. They have also been revised to reflect the new organisational structure.
- 3.2 The changes to Part 4 – Rules of Procedure Section 6 – Financial Regulations, and Part 7 – Management Structure are required to reflect the revised organisational structures/responsibilities and to ensure continued good governance. A more comprehensive review and update will take place during 2010/11 to accommodate any further organisational changes and the desire to further simplify and clarify the

Constitution. These changes will be developed to be implemented for the new Council in May 2011.

3.3 The changes to the Terms of Reference of the Audit Committee are to include the requirement for the Committee to monitor the Treasury Management arrangements in addition to their review.

3.4 The changes to the Terms of Reference of the Appeals Committee are for clarification and to make it less ambiguous in terms of other types of potential appeal.

4.0 PREVIOUS MINUTES

Council Constitution Committee – 3 September, 2009 (Minute Nos. CCC-04 & 05)

Council – 30 September, 2009 (Minute No. 44)

Council Constitution Committee – 8 December, 2009 (Minute No. CCC-10)

Council – 28 January, 2010 (Minute No. 79)

5.0 ARTICLE 12 – OFFICERS

As shown in Appendix A of the report, the following paragraphs require amendment:

Explanatory Comment

12.01(a)(b)(c) – Management Structure

Delete the words 'The statutory posts referred to above will have the functions described in paragraph 12.02-1204 below.

Insert new 12.05 – 12.07

6.0 PART 4 – RULES OF PROCEDURE - FINANCIAL REGULATIONS

As shown in Appendix B of the report, the following paragraphs require amendment:

Section 1 - Status of Financial Regulations

Section 2 - Responsibilities

Section 4 – Accounting Systems, Financial Records and Returns

Section 5 - Financial Management and Control – Revenue

Section 6 – Financial Management – Capital

Section 7 – Taxation and Leasing

Section 8 – Controlled Stationery and Authorised Signatories

Section 9 – Internal Audit

Section 10 – Public Accountability – Responsibilities

Section 11 – Purchasing Arrangements

Section 12 – Schemes Financed Partly or Wholly by External Funding

Section 13 – Orders for Work, Goods and Services

Section 14 – Corporate Credit Cards and the Government Procurement Card (GPC)

Section 15 – Payment of Accounts

Section 16 – Cash Income and Debtors
 Section 17 – Banking Arrangements
 Section 18 – Payments to Employees
 Section 19 – Travel and Subsistence
 Section 20 – Imprests
 Section 21 – Risk Management
 Section 22 – Insurance
 Section 23 – Security and Control of Assets
 Section 24 – Treasury Management
 Appendix A – updating of EU Financial Limits

7.0 PART 7 – MANAGEMENT STRUCTURE

7.1 Following the restructuring of the Council details of the senior management structure, as set out in the Constitution, are no longer applicable and it is proposed that this section be deleted

8.0 SECTION 10 – COMMITTEE PROCEDURE RULES

8.1 Functions, Powers and Duties of Audit Committee

Addition of sub-heading of ‘Treasury Management’

Section 13 – addition of the words ‘and monitor’

8.2 Functions, Powers and Duties of Appeals Committee

Amendment of Delegated Matter No. 4 as follows

‘To consider appeals against decisions relating to the refusal of free home to school transport.’

9.0 OTHER INFORMATION

Equality & Diversity	The business of the Committee considers equality and diversity in an appropriate manner.
Environmental Impact	None arising directly from this report.
Legal Comment	The Local Government Act 2000 requires the Council to have a Constitution. This Committee has been established to review the Constitution and to provide advice and guidance to the Council on any proposed changes.
Links with Corporate Priorities	The Council seeks to deliver its objectives of providing leadership, accountability and high standards in local democracy.
Opportunities & Risks	The opportunities and risks associated with these proposals have been identified and assessed. Arrangements will be put in place to manage the risks

	and maximise the opportunities that have been identified.
Financial Implications	There are no financial impact implications arising from this report and any changes can be met from within existing budgets.
Ward Implications	Borough wide

10.0 BACKGROUND PAPERS

Council Constitution

Local Government and Public involvement in Health Act 2007
(Schedule 4, Part 1, section 3)

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