

TELFORD & WREKIN COUNCIL

COUNCIL CONSTITUTION COMMITTEE – 13 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 Appendix A of the report;**
- 2.2 **The changes to Part 4 – Rules of Procedure – Section 6 Financial Regulations within the Constitution as shown in Appendix B of the report;**
- 2.3 **The deletion of Part 7 – Management Structure, as shown in Appendix C of the report, from the Constitution;**
- 2.4 **The changes to the Terms of Reference of the Audit Committee as set out in Appendix D of the report;**
- 2.5 **The changes to the Terms of Reference of the Appeals Committee as set out in paragraph 7.2 of the report;**
- 2.6 **Approval of the proposed Scheme for Local Petitions, attached as Appendix E of the report;**
- 2.7 **Approval of the proposed Scheme for Public Speaking at Plans Board, attached as Appendix F 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.
- 3.5 At the meeting of this Committee on 8th December, 2009 Members considered the draft Scheme for Local Petitions and the draft Scheme for Speaking at Plans Board and asked, that following appropriate consultation, the finalised Schemes be brought back for final approval and recommendation to Council. These amended schemes are attached as appendices E and F.

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 ~~hear~~ consider appeals against decisions relating to the refusal of free home to school transport.’

9.0 LOCAL PETITIONS

9.1 A copy of the amended Scheme for Local Petitions, following the consultation responses received, is attached as Appendix E.

10.0 PUBLIC SPEAKING AT PLANS BOARD

- 10.1 A copy of the amended Scheme, as amended following consultation with the Head of Planning & Transport and chairman of the Plans Board, is attached as Appendix F. As agreed at the meeting of the Committee on 8th December, 2009 the Scheme has been amended to give the Chairman of the Plans Board discretion, in certain circumstances, to extend the time limits for speaking.

11.0 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	A budget is in place for payment of allowances to elected members under the current leadership structure. The total cost of member allowances paid under the proposed new structure will need to be managed within the resources available. Costs associated with the consultation exercise will be met from existing budgets.
Ward Implications	Borough wide

12.0 BACKGROUND PAPERS

Council Constitution
Local Government and Public involvement in Health Act 2007
(Schedule 4, Part 1, section 3)
The Local Democracy, Economic Development and Construction Act
2009

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