

**TELFORD & WREKIN COUNCIL**

**COUNCIL CONSTITUTION COMMITTEE – 22 FEBRUARY, 2011**

**UPDATE TO COUNCIL CONSTITUTION**

**REPORT OF THE HEAD OF GOVERNANCE**

**1.0 PURPOSE**

- 1.1 To request the Committee to recommend the following to Full Council :  
for approval:
- 1.1.1 Changes to the Council’s Constitution in respect of Governance and delegations of powers
- 1.1.2 Amendments to the Functions and Powers of the Personnel Board
- 1.1.3 Proposed changes to the Financial Regulations within the Council’s Constitution

**2.0 RECOMMENDATIONS**

- 2.1 That the changes to the Constitution in respect of Governance and the delegation of powers, as set out in Annex A, be approved to come into force on 8 May, 2011;**
- 2.2 That the additional Terms of Reference of the Personnel Board, as set out in Annex B, be approved and implemented with immediate effect;**
- 2.3 That the changes to Part 4 – Section 6 – Financial Regulations of the Constitution, as set out in Annexes C1 and C2, be approved.**

**3.0 SUMMARY**

- 3.1 A change in the Elected Members model of leadership to the “Strong Leader” model is required to be in force following the Borough Council elections in May 2011. The proposed model was approved by Council at its meeting on 25 November, 2010 when it was resolved “that the Leader and Cabinet model be formally adopted for the Council’s Executive arrangements with effect from 8 May, 2011 following the May 2011 Borough elections”.
- 3.2 In the light of the conclusions of the remuneration panel, references to the role of Cabinet Assistant have been deleted.
- 3.3 The positions of Speaker and Mayor have been combined in to a single role, in line with practice in the majority of other councils.
- 3.4 References to the Emergency Committee have been deleted as there is provision to call a special meeting of the Executive or the relevant committee, dependent on the issue arising.

- 3.5 Deletion of some out of date guidance notes
- 3.6 Changes in the Terms of Reference of the Personnel Board are suggested to address current omissions in the current delegation.
- 3.7 The key changes to the Financial Regulations are required to reflect the revised requirements resulting from the introduction of a new financial management system which incorporates modules in respect of an integrated purchase to payments process, financial accounting (including commitment accounting), sales ledger and financial reporting. This system is to be implemented on 1 April, 2011.

#### **4.0 PREVIOUS MINUTES**

- 4.1 Council Constitution Committee – 8 June, 2010 (Minute No. CCC-9)
- 4.2 Council – 24 June, 2010 (Minute No. 30)
- 4.3 Council Constitution Committee – 9 November, 2010 (Minute No. CCC-15)
- 4.4 Council – 25 November, 2010 (Minute No. 59)

#### **5.0 INFORMATION**

- 5.1 Provisions in the Local Government and Public Involvement in Health Act 2007 (Schedule 4, part 1, section 3) require the Council to make changes to its executive arrangements. In accordance with the proper procedure, a consultation exercise was undertaken during 2010 to consider views as to whether the change should be to an elected Mayor or Strong Leader Executive Model. On 25 November, 2010 the Council resolved to adopt the Strong Leader Model and this needs to be in place following the forthcoming Council elections in May.
- 5.2 The change to the “Strong Leader executive model will mean that the executive powers previously vested in the Cabinet will now be vested initially in the Leader of the Council who will be appointed, following the elections, to serve for a four year term. The Leader will be able to decide upon the composition of the Cabinet and also in respect of those delegations of powers previously vested in the Cabinet. In some cases those powers will be shown in the Constitution but the Leader of the Council can delegate those powers without them appearing in the Constitution although it is suggested that any such changes in delegations are reported to the Cabinet as soon as possible thereafter.
- 5.3 Provisions need to be added for the appointment of the Leader, Deputy Leader together with provisions for removing both. The Committee will be aware that a full review of the Council’s Constitution is being undertaken but certain provisions need to be in place for May and, accordingly, the necessary changes are proposed here.  
Suggested changes, referred to in sections 3.2 to 3.5 of the report are also proposed in Annex A. These amendments deal with:
  - (i) Deletion of references to Cabinet Assistants

- (ii) Single role for Mayor/Speaker
- (iii) Deletion of references to Emergency Committee
- (iv) Deletion of some out of date guidance notes

At Annex B the Committee will see that there is a proposed change to the delegated powers provided by the Council to the Personnel Board in order to deal with disciplinary issues relating to senior officers. It is proposed that the Personnel Board be delegated the power to deal with senior officer matters on behalf of the Council.

5.4 The key changes to the Financial Regulations are due to the implementation of a new financial management system on 1<sup>st</sup> April 2011. Paragraph 11 has been shortened referring readers to the Contract Procedure Rules to reduce duplication and paragraphs 12, 13 and 15 have been combined into a new paragraph 12 to reflect the updated integrated system for requisition, authorisation, receipt of goods and payment. As a result paragraphs 14 onwards have been re numbered.

5.5 Minor changes have also been made to reflect the Council's senior management restructure, service area restructures and the tighter financial controls introduced in response to the current economic climate and local government finances.

Attached as Annexes C1 and C2 are a tracked change version and an updated version incorporating the changes.

## 6.0 OTHER INFORMATION

<b>Equality &amp; Diversity</b>	Any changes to the Constitution must comply with all the equality and diversity legislation and regulations.
<b>Environmental Impact</b>	None arising directly from this report.
<b>Legal Comment</b>	The legal comment is set out within the main body of this report.
<b>Links with Corporate Priorities</b>	The Council seeks to deliver its objectives of providing leadership, accountability and high standards in local democracy.
<b>Opportunities &amp; Risks</b>	The opportunities and risks associated with this process have been assessed. Arrangements have been put in place to manage the risks and maximise the opportunities that have been identified.
<b>Financial Implications</b>	The changes will be accommodated within existing budgets. It should also be noted that there are currently a number of financial delegations to officers which are made by Cabinet

	which under the Strong Leader model will be made by the Leader. The role and responsibilities of the Chief Finance Officer (S151/S114) are unchanged.
<b>Ward Implications</b>	Borough wide

## 7.0 **BACKGROUND PAPERS**

Council Constitution  
Local Government and Public Involvement & Health Act 2007

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