

COUNCIL CONSTITUTION COMMITTEE

Minutes of a meeting of the Council Constitution Committee held on Tuesday, 22nd February, 2011 6.25 p.m. in the Civic Offices, Telford, Shropshire

PRESENT: Councillors S.M. Kelly (Chairman), R.K. Austin, E.J. Carter, A.J. Eade, G.M. Green, C.F. Smith and V. Tonks

CCC-20 MINUTES

RESOLVED – that the minutes of the meeting of the Council Constitution Committee held on the 11th January, 2011 be confirmed and signed by the Chairman.

CCC-21 APOLOGIES FOR ABSENCE

Councillor J.M. Seymour

CCC-22 DECLARATIONS OF INTEREST

None.

CCC-23 UPDATE TO COUNCIL CONSTITUTION

The report of the Head of Governance requested the Committee to recommend changes to the Council's Constitution in respect of Governance and delegations of power, the Functions and Powers of the Personnel Board, and the Financial Regulations to Full Council for approval.

Provisions in the Local Government and Public Involvement in Health Act 2007 (Schedule 4, part 1, section 3) required the Council to make changes to its executive arrangements and, on 25 November 2010, the Council had resolved to adopt the Strong Leader model, which needed to be in place following the Council elections in May 2011. The change to the "Strong Leader executive model meant that the executive powers previously vested in the Cabinet would now be vested, initially, in the Leader of the Council who would be appointed, following the elections, to serve for a four year term. The Leader would then be able to decide upon the composition of the Cabinet and those delegations of powers previously vested in the Cabinet. In some cases those powers would be shown in the Constitution but the Leader of the Council could delegate them without this being the case, although it was suggested that any such changes in delegations were reported to the Cabinet as soon as possible thereafter. The necessary changes to the Constitution were set out in Annex A of the report.

Provisions need to be added to the Constitution with regard to the appointment of the Leader and Deputy Leader together with provisions for removing both. Members were aware that a full review of the Council's Constitution was currently being undertaken but certain provisions needed to be in place for May 2011. References to the role of Cabinet Assistants required deletion, following the conclusions of the Independent Remuneration Panel, the positions of Speaker and Mayor had been

combined in to a single role in line with practice in the majority of other councils and references to the Emergency Committee had been deleted as there was provision to call a special meeting of the Executive or the relevant committee dependent upon the issue arising. Changes in the Terms of Reference of the Personnel Board, as set out in Annex B of the report, were suggested to address current omissions in the current delegation and some out of date Guidance Notes required deletion.

The key changes to the Financial Regulations, as set out in Annexes C1 and C2 of the report, were required to reflect the revised requirements resulting from the introduction of a new financial management system which would be implemented on 1 April, 2011. In addition, paragraph 11 had been shortened referring readers to the Contract Procedure Rules to reduce duplication. Minor changes had 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.

In presenting the report of the Head of Governance, the Democratic Services Manager informed the Committee that Part 6 of the Constitution (Members' Remuneration Scheme) had not been updated following approval of the amended Scheme by Council at its meeting on 7 October, 2010. The amended details would be shown in the copy of the Constitution attached to the recommendation to Council on 3 March, 2011.

With reference to Article 7 of the Constitution (The Leader and Cabinet) Councillor Smith pointed out that the word 'Council' needed to be inserted after the word 'Annual' in paragraph 7.05. He further requested that this paragraph be amended to include a requirement for any changes in the composition of the Cabinet to be reported to Full Council to inform Members who was responsible for decision making.

The Chairman informed the Committee that, due to the amount of detailed work required to achieve the proposed major revision of the Constitution, this would now not take place until after the Borough Council elections in May. However, he agreed that the change to Article 7, as proposed by Councillor Smith, should be recommended for approval by Council at its meeting on 3 March, 2011. It was further agreed that these amendments be e-mailed to Members for information.

Councillor A.J. Eade welcomed the consensus on the Constitution and agreed with Members on the need for a revised and simplified version.

RESOLVED – that Full Council be recommended to approve:

- (a) the changes to the Constitution in respect of Governance and the delegation of powers, as set out in Annex A of the report, to come into force on 8 May, 2011;**
- (b) the additional Terms of Reference of the Personnel Board, as set out in Annex B of the report, for implementation with immediate effect;**

- (c) the changes to Part 4 – Section 6 – Financial Regulations of the Constitution, as set out in Annexes C1 and C2, of the report;
- (d) that paragraph 7.05 of Article 7 of the Constitution (The Leader and Cabinet) be amended to state that the Leader will provide the Council with details of the allocation of responsibility for functions referred to in that section and keep the Council informed of any amendments made to them;
- (e) that paragraph 7.05 of Article 7 of the Constitution (The Leader and Cabinet) be amended to insert the word ‘Council’ after the word ‘Annual’;
- (f) that the Head of Governance, following consultation with the Chairman of the Committee, be authorised to make any minor administrative changes to the Constitution arising from the above.

The meeting ended at 6.35 p.m.

Chairman:

Date: