

TELFORD & WREKIN COUNCIL

COUNCIL CONSTITUTION COMMITTEE: 16 April 2013

COUNCIL: 2 May 2013

CONSTITUTION

REPORT OF ASSISTANT DIRECTOR: LAW, DEMOCRACY & PUBLIC PROTECTION

PART A) – SUMMARY REPORT

1. PURPOSE

For members to consider appropriate changes to the Constitution for the new municipal year.

2. RECOMMENDATIONS

2.1 That Members: -

2.1.1. Recommend the approval of the amended Constitution with effect from the Annual Council on 23 May 2013 including:-

2.1.1.1 The Introduction as included in Appendix 1.

2.1.1.2 The terms of reference of Council, the Leader/ Cabinet, the Boundary Review Committee, the Health & Wellbeing Board, the Licensing Committee and the Planning Committee as included in Appendix 2.

2.1.2 Give their views on the proposed development of the scheme of delegation, "Who makes decisions" as detailed in paragraph 4.3.3 and Appendix 2A.

2.1.3 Recommend the Scrutiny Rules as included in Appendix 3.

2.1.4 Recommend the terms of reference of the Appeals Committee, the Audit Committee, the Council Constitution Committee, the Personnel Committee and the Standards Committee as included in Appendix 4.

2.1.5 Note the position in respect of the Code of Conduct for Officers.

2.1.6 Recommend the Protocol on Member/ Officer relations, the Officer Employment Rules and Rules on Changing the Constitution as included in Appendix 4. Note the on going development of the Financial Regulations including Contract Rules.

2.1.7 Delegate power to the Monitoring Officer to insert Access to Information Rules and notes on Key Decisions into the Constitution to

reflect the legal position in respect of these matters.

2.1.8 The provisions regarding the role of Citizens and the Council be brought to the next meeting of this committee for consideration.

2.1.9 Members recommend that the Monitoring Officer, in consultation with the Chair of the Council Constitution Committee, be delegated power to make further minor amendments that may be required to introduce the new Constitution and ensure that it is loaded onto the internet as appropriate, including with any links or definitions that may be required to best explain the Constitution.

2.2 Members note that: -

2.2.1 The Code of Conduct or Members has already been approved by Council on 12 July 2012.

2. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Priority Plan objective(s)?	
	No	
	Will the proposals impact on specific groups of people?	
	No	
TARGET COMPLETION/DELIVERY DATE	<i>Council – 2nd May 2013</i>	
FINANCIAL/VALUE FOR MONEY IMPACT	Yes/No	<i>The Constitution provides the financial framework within which officers and members must operate to ensure strong financial management is in place and public funds are used appropriately, effectively and transparently in the delivery of services to the public. The proposed changes to the Constitution for approval by Council in May 2013 are primarily presentational with the aim of making the document more user-friendly which will strengthen financial governance. The new role of speaker will be paid a Special Responsibility Allowance which will be funded from within existing resources. There are no additional Special Responsibility Allowances associated with the Health & Well</i>

		<i>Being Board. There are no other financial implications arising from the proposed changes. As mentioned in the report, financial regulations will be reviewed and brought to the Committee for approval later in the year.</i>
LEGAL ISSUES	Yes	<i>The Constitution is a key element of the Council's Governance structure and needs to be brought up to date so that it remains relevant and is accessible to ensure that the contents are adhered to when decisions are taken by the Council, its committees and its officers</i>
OTHER IMPACTS, RISKS & OPPORTUNITIES	Yes	<i>A properly drafted Constitution can protect the Council from unnecessary challenge of the decisions that it makes and can also provide public confidence in its governance structures.</i>
IMPACT ON SPECIFIC WARDS	No	

PART B) – ADDITIONAL INFORMATION

3. INFORMATION

Background

4.1 As members of the CCC know officers have, for some time, being working on changes to the Council's Constitution to make it more accessible and to make the oversight and review of it more efficient. Significant changes are proposed to the format but the actual contents have not been changed materially unless this is specifically identified in the report

Specific Comments

4.2 **Approach** – it is proposed that the Constitution will be an electronic document – the purpose being to ensure that it is easier to navigate using hyper links within the document to move seamlessly around the whole Constitution. This will enable easier access to and use of the provisions of the Constitution which will improve the good governance of the organisation

4.3 **New structure** – the proposed structure deletes the current arrangements for articles and procedure rules which require a lot of cross referencing and proposes a structure that divides the Constitution into 3 main sections, 1 - an Introduction, 2 - a section on decision-

making (who makes decisions/ what decisions can they make and how do they make them) and 3 - a section on governance, (scrutiny, oversight and transparency). Dealing with each of these in turn:-

- 4.3.1 A copy of the introduction is included at Appendix 1, the purpose of this section is to give an initial explanation of how the Council works and will, through links, lead those who are unfamiliar with the Constitution to the sections that they are looking for.
- 4.3.2 A copy of the terms of reference of full Council, the Leader/ Cabinet, the Boundary Review Committee, the Health & Wellbeing Board, the Licensing Committee and the Plans Board are included in Appendix 2. Also included are the procedure rules for these decision-making bodies (and including provisions for the new Speaker role) which, as members can see are simplified.
- 4.3.3 A first draft delegation scheme is included at Appendix 2A, for members' consideration and for their guidance. The current system is very long, very detailed and is generally out of date before it is either agreed or published. Officers are proposing changing the emphasis towards giving general delegations to officers in respect of their areas of responsibility whilst retaining specific and identified decisions to members within the responsibility of either full Council, the Leader or identified committees. Members views are sought on the proposed way forward with a view to the delegation scheme either being agreed or a further report being brought to the next meeting of CCC and approval of Council later in 2013 with the current scheme continuing in operation until then.
- 4.3.4 The Scrutiny Rules are included in Appendix 3 and detail the high level structure of the Council's scrutiny structure. It details key principles but the more detailed rules of current scrutiny committees and their terms of reference are included in a Scrutiny Handbook which, it is proposed to keep outside of the Constitution to enable Scrutiny to retain operational control of their processes. These Chair of the Scrutiny management Board has been consulted.
- 4.3.5 Appendix 4 detail the terms of reference of the Appeals Committee, the Audit Committee, the Council Constitution Committee, the Personnel Committee and the Standards Committee.
- 4.3.6 A new Code of Conduct for Officers is currently being consulted upon and will be forwarded for approval by the Head of Paid Services in due course. An amended Member/ Officer Protocol, Officer Employment Rules and Rules on Changing the Constitution are included in Appendix 4B. Financial Regulations (including the Contract Rules) are still being developed and it is proposed that these be brought forward for Council's consideration in the next municipal year.

4. PREVIOUS MINUTES

4.1. None

5. **BACKGROUND PAPERS**

5.1. None

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