

**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 - see Council agenda sheet**

**2. SUMMARY IMPACT ASSESSMENT**

<b>COMMUNITY IMPACT</b>	Do these proposals contribute to specific Priority Plan objective(s)?	
	No	
	Will the proposals impact on specific groups of people?	
	No	
<b>TARGET COMPLETION/DELIVERY DATE</b>	<i>Council – 2<sup>nd</sup> May 2013</i>	
<b>FINANCIAL/VALUE FOR MONEY IMPACT</b>	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</i>

		<i>funded from within existing resources. There are no additional Special Responsibility Allowances associated with the Health &amp; Well 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>
<b>LEGAL ISSUES</b>	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>
<b>OTHER IMPACTS, RISKS &amp; OPPORTUNITIES</b>	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>
<b>IMPACT ON SPECIFIC WARDS</b>	No	

## **PART B) – ADDITIONAL INFORMATION**

### **3. INFORMATION**

#### **Background**

3.1 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**

3.2 **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

- 3.3 **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:-
- 3.3.1 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.
- 3.3.2 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.
- 3.3.3 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.
- 3.3.4 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.
- 3.3.5 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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