

TELFORD & WREKIN COUNCIL

COUNCIL – 14 July 2016

UPDATE TO THE COUNCIL’S CONSTITUTION

REPORT OF ASSISTANT DIRECTOR: GOVERNANCE, PROCUREMENT AND COMMISSIONING

LEAD CABINET MEMBER – CLLR LEE CARTER

1. SUMMARY OF MAIN PROPOSALS

To propose the adoption of a new revised Constitution for the Council and extend voting rights of co-optees on the Joint Shropshire and Telford & Wrekin Council Health Overview and Scrutiny Committee.

2. RECOMMENDATIONS

2.1 To adopt the revised Constitution as set out at Appendix 1 to come into effect from the end of this Council meeting.

2.2 The Council approves the Voting scheme in Appendix 2 of this report to extend the voting rights for the co-optees appointed by Telford and Wrekin Council on the Joint Shropshire and Telford & Wrekin Council Health Overview and Scrutiny Committee.

3. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Co-Operative Council priority objective(s)?	
	Yes	
	Will the proposals impact on specific groups of people?	
	No	
TARGET COMPLETION/DELIVERY DATE	The Constitution will become effective upon the end of the council meeting, all delegations in the Constitution will become effective at that time.	
FINANCIAL/VALUE FOR MONEY IMPACT	Yes	The financial regulations, which provide the guidelines that must be adhered to when managing the financial affairs of the council and apply to all officers and members, are unchanged in the revised Constitution. The general principles behind the delegated powers include

		<p>the provision that financial resources can only be committed if they are within the approved budget and that financial regulations must be complied with at all times.</p> <p>PH – 23.6.2016</p>
LEGAL ISSUES	Yes	<p>The Local Government Act 2000 (as amended) requires the Council to have a Constitution. It is a matter for the Council to decide on revisions and changes to the Constitution. The Constitution covers a wide range of legislation and government guidance. These numerous statutes and guidance documents have been reviewed as part of the process to update the Constitution in order to ensure that it is compliant with legislation.</p> <p>The Council is required to follow the terms of the Constitution in order to act lawfully and reduce the risk of successful legal challenges.</p>
OTHER IMPACTS, RISKS & OPPORTUNITIES	Yes	<p>The risks involved with updating the Constitution have been reviewed and addressed. Councillors and officers have been provided with briefings and drop in sessions to made aware of the new document. Opportunities have been taken to make the document more accessible and more adaptable to being used in an electronic format.</p>
IMPACT ON SPECIFIC WARDS	No	Borough-wide impact

4. THE REVISED CONSTITUTION

It is a legal requirement that this Council has a Constitution. It provides a framework for the Council to carry out its duties and undertake all of its operations.

The current Constitution is an established document but has been subject to many amendments over the years. It was decided that the whole of the document needed to be reviewed and updated to make it simpler, more accessible to the public, officers and Councillors alike and to be more suitable to using in an electronic format.

Officers have worked with Councillors to review the current Constitution and produce an updated alternative which is attached as Appendix1 at the link below. The new Constitution attached was reviewed and agreed by the Council's Constitution Committee on 5th July 2016 and the recommendation of that Committee is that the Council adopts the new version at this meeting.

<http://apps.telford.gov.uk/CouncilAndDemocracy/Meetings/Meeting/MTQ1MA%3d%3d>

The revised document is set out in three parts:

- 1 'How does the Council work' – which provides some background information and an explanation of how to navigate your way around the document and explains where to find the more specific rules
- 2 'Decision-making' – this section sets out who makes decisions, what decisions they can make and how they make them including Council business Cabinet and officers decisions and the role of the administrative committees such as planning and licensing committees.
- 3 'Governance, Scrutiny, Oversight and Transparency' – which sets out the role of scrutiny and the governance committees and the high level rules that govern how we operate including legal, procurement and financial regulations. It also summarises our relationship with the citizen, particularly in respect of transparency and access to information.

If the Council agrees to adopt the new Constitution at this meeting, it will become effective as soon as the meeting is closed. The decision will also mean that all new delegations will come into effect. Chief Officers (as defined in the Constitution) will be responsible for establishing specific delegations to their teams and keeping them up to date. Delegations from Committees will continue and the respective Committees will be responsible for reviewing their delegations and making sure that they are up to date.

The Constitution will always need to be reviewed in relation to internal changes at the Council but also to reflect any changes in legislation and government guidance. Whilst the Monitoring Officer will have delegated powers to make small administrative changes or those changes required to

changes in the law made at short notice it will continue to be the responsibility of the Council's Constitution Committee to look at any material proposed changes and to subsequently make recommendations to the Council when required.

5. Extending Voting Rights for Co-optees

In September 2013 Full Council granted permission for the co-opted members of the Joint Shropshire and Telford & Wrekin Health Overview and Scrutiny Committee appointed by Telford and Wrekin to vote at Committee meetings. The voting scheme gave the co-optees full voting rights for 3 years, at which point the voting rights will be revoked.

The Joint HOSC will continue to scrutinise the NHS proposals for the Future Fit Programme and will have a statutory role during the consultation on these proposals. Extending the voting scheme for the co-optees appointed by Telford and Wrekin on the Joint HOSC will ensure that all members of the Committee will be able to vote on the Joint HOSC response to this important area of work.

The Council is asked to renew the voting scheme for a further 3 years. A copy of the voting scheme that Council would consider is attached as Appendix 2 of this report.

6. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

No further information required.

7. PREVIOUS MINUTES

Full Council – 2nd May 2013, 92
Council Constitution Committee – 16th April 2013, CCC – 15, 15th and 17th November 2013, 7th July 2014, 25th April 2016

8. BACKGROUND PAPERS

None

Report prepared by Jonathan Eatough, Assistant Director: Governance, Procurement and Commissioning (01952 383200), Matt Cumberbatch, Democratic and Legal Services Manager (01952 383233)