

Meeting: Council
Portfolio Area: Council-wide
Date: 30th June 2004

CONSTITUTIONAL ISSUES

(Chief Executive's Department)

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1 PURPOSE

To agree amendments to the Council's Constitution, including the Terms of Reference for various bodies to support its Political Management Structure.

2 RECOMMENDATIONS

2.1 That the following amendments be made to the Council's Constitution for the 2004/05 Municipal Year:-

- (a) That the Council's Political Management Structure and Terms of Reference for its various bodies, as detailed in Appendix A to this report, be agreed.
- (b) That the Executive Councillor portfolios, as detailed in Appendix B to this report, be agreed.
- (c) That the following exception to call-in arrangements listed in Section 15(h) in the Overview and Scrutiny Procedure Rules be deleted from the Constitution:

“Only decisions involving expenditure or reductions in service over a value of £50,000 may be called in.”

- (d) That Standing Order 40 be amended by the addition of a new paragraph as follows:

“The Chair of the Scrutiny Overview Committee may, as of right, attend and speak at all meetings of the Scrutiny Panels”.

2.2 That any consequential changes to the Constitution be made arising from both the matters detailed in 2.1 above, together with any other decisions made at this meeting.

2.3 That the Programme of Council meetings for the 2004/05 Municipal Year, as detailed in this report, be approved.

3 BACKGROUND

The Council's Standing Orders require that Annual Council agrees the Terms of Reference for each Committee/Panel for the forthcoming Municipal Year. This report sets out the proposed Terms of Reference for the 2004/05 Municipal Year, and proposes a number of other amendments to the Council's Constitution. It also seeks approval to the Programme of Council meetings for the 2004/05 Municipal Year.

4 REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS

4.1 Terms of Reference

The proposed Terms of Reference for all Committees/Panels are attached at Appendix A. The key changes relate to:

- (i) The inclusion of a Statement of Accounts Committee, which the Executive (at its meeting held on 24th March 2004) recommended be established as a Committee of the Council, in order to approve the Statement of Accounts by the statutory deadline of 31st August each year (thereby obviating the need to call a Council meeting to approve the Statement during the August Recess).
- (ii) An increase in the size of the Licensing and General Purposes Committee from 10 to 13 Members, with the suggestion that there be representation from each Ward, as recommended by the Executive at its meeting held on 14th January 2004.

4.2 Executive Portfolios

The proposed Executive portfolios for the 2004/05 Municipal Year are set out at Appendix B.

4.3 Revised Call-in arrangements

Under the constitutional arrangements adopted by the Council in accordance with the Local Government Act 2000, the Scrutiny Overview Committee has a right to "call-in" certain decisions made by the Council's Executive and other executive decisions.

At its meeting held on 29th March 2004, the Scrutiny Overview Committee asked that officers re-consider the wording of the Constitution vis-à-vis the power of call-in being limited by financial restriction (currently, no decisions involving expenditure or reductions in service under a value of £50,000 may be called-in by the Committee).

The reason for this request was the view, quite simply, that the financial limit imposed an unnecessary restriction on the Committee's ability to call-in a matter. Whilst a matter might not be significant in financial terms, it may be significant in other ways.

Officers investigated this issue and reported to the meeting of the Committee held on 26th April 2004, at which it was agreed to recommend to Council that the financial restriction of £50,000 be removed from the call-in arrangements detailed in the Council's Constitution.

The original restriction was imposed under local discretion, and there is no reason why that restriction should not now be removed if the Council is content to do so.

4.4 Chair of Scrutiny Overview Committee

Given the function of the Scrutiny Overview Committee to co-ordinate the work of the Scrutiny Panels and maintain an overview of scrutiny in the Authority, it is recommended that the Chair of the Committee should, as of right, attend and speak at all meetings of the Scrutiny Panels.

4.5 Consequential Amendments

It is proposed that any consequential amendments to the Constitution arising from the matters detailed in 4.1, 4.2, 4.3 and 4.4 above will be made when the full document is reproduced. Similarly, any other decisions made at this meeting which have an affect on the Constitution will be incorporated into the next published version.

4.6 Programme of Council meetings for 2004/05

It is customary for the Council to approve its programme of meetings for the forthcoming Municipal Year at its Annual Meeting. The proposed dates of the Council meetings for 2004/05 are:

Wednesday, 29th September 2004

Wednesday, 8th December 2004

Wednesday, 2nd February 2005 (Special meeting to consider HRA and Rent-setting)

Wednesday, 23rd February 2005 (Budget)

Wednesday, 6th April 2005

BACKGROUND DOCUMENTS

- The Council's Constitution – Fourth Version (November 2003)

APPENDICES

- Appendix A – Terms of Reference (attached)
- Appendix B – Executive Portfolios (attached)