

Meeting: COUNCIL

Agenda Item:

Date: 22 July 2009

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REVISIONS TO THE CONSTITUTION

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1. PURPOSE

- 1.1 To obtain Council's agreement to revisions to the Constitution.

2. RECOMMENDATION

- 2.1 That revisions to the Constitution, circulated to all Members (and available on the Council's website) be approved.

3. BACKGROUND

- 3.1 The Council first adopted a Constitution in 2001 in accordance with the provisions of the Local Government Act 2000. Up until this year there has been no thorough review of the document, with any amendments being made piecemeal. The original document was based almost entirely on the Core Model Constitution provided by the then Department of Local Government, Transport and the Regions. In the main Councils are required to maintain their Constitutions in accord with this model and therefore revisions are often limited to factual updates.
- 3.2 Whilst remaining in compliance with the Core Model the recent review undertaken by officers has not only updated factual changes in the political and management structures of the Council, but also attempted to generally modernise the text; make the document more user friendly (e.g. with cross referencing); and to customise the document to better reflect processes and procedures for decision making within Stevenage Borough Council.

4. REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS

- 4.1 Details of recommended revisions that go beyond factual updates etc. are set out

below. A summary of the broader changes to each section of the Constitution is set out in Appendix A

4.2 Part 2 - Articles of the Constitution

Key Decisions (Revised Article 11)

In 2001 the definition of a 'significant' decision included reference to expenditure or savings, exceeding £50,000 (revenue). It is recommended that this figure be raised to £75,000 in line with new Contract Standing Orders agreed in 2008; and that it be clarified that such expenditure/savings have not been accounted for in the agreed Budget. Concerning Capital Schemes, it is recommended that the award of such contracts only be defined as Key Decisions if the expenditure is over £250,000 and has not fully been accounted for in the budget and/or the contract is not to be awarded in accordance with Contract Standing Orders and Financial Regulations.

Changes to the Constitution (Article 13)

Provision has now been included for the Chief Executive to authorise minor and consequential amendments to the document without reference to Council, with the Leader of the Council being informed of such amendments.

Publication of the Constitution (Article 14)

With frequent factual alterations to the content of the Constitution it is difficult to maintain up to date hard copies. This article has been revised to allow for all Members to be provided with a printed copy upon request rather than receive an updated hard copy automatically. Printed versions will be made available to the Leaders of the political groups and in the Members' Library. The document will be available for public inspection and will be on the website.

4.3 Part 3 - Responsibility for Functions

Whilst there are no fundamental changes to this section it has been re-drafted to allow the reader to more readily identify where decisions on individual matters are taken. Terms of reference are now included in this section, together with a description of the role of the Leader and Executive Portfolio Holders.

4.4 Part 4 - Rules of Procedure

Standing Orders

The draft Standing Orders include a specific new provision for the Council Tax Setting Debate (Standing Order (SO) 10) and revised time limits for speakers for the Main Debate (SO 9) and during general debates (SO 17 c (iii)).

Access to Information Rules and Executive Procedure Rules

The draft rules recognise that the Executive sits in public, in the same way as a Committee, unless Part II business is being discussed.

Budget and Policy Framework Rules and Scrutiny Overview Rules

Provision has been added to recognise that when necessary, Scrutiny Overview Committee may report direct to Council its comments on the recommendations of the Executive on Budget and Policy Framework matters.

The draft Scrutiny Overview rules also make reference to Topic Groups and formalise the current arrangement of the Committee receiving regular reports on urgent decisions taken by the Chair.

4.5 Part 5 - Codes of Protocol

The Protocols for Relationships between Members and Officers and for Members of the Planning and Development Committee have been redrafted by the Monitoring Officer to take account of the revised Member Code of Conduct agreed in 2007, advice from Standards Board and the changing laws on bias.

BACKGROUND DOCUMENTS

- Relevant legislation and guidance

APPENDICES

Available on the Council's website. Printed copies circulated to Members only.
Contact Committee Services on 01438-242215

- Appendix A - Summary of Revisions
- Appendix B - Revised Sections of the Constitution