

## FULL COUNCIL

9 MAY 2012

### REPORT OF THE MONITORING OFFICER

#### APPROVAL OF THE COUNCIL'S CONSTITUTION 2012/13

##### 1.0 PURPOSE OF THE REPORT

- 1.1 The Council is requested to approve the amended Constitution in line with the changes that were referred from Policy Finance and Administration Committee on 17 April 2012, in respect of the creation of a Governance Committee (copy report attached at Appendix A) and further amendments authorised by Full Council on 18 April 2012. Consideration is also given to the changes required in relation to the Localism Act 2011, in respect of standards. The revised constitution incorporating full highlighted changes is enclosed at Appendix B.

##### 2.0 RECOMMENDATIONS

- 2.1 **To approve the creation of a Governance Committee and its associated terms of reference, as referred from Policy Finance and Administration Committee on 17<sup>th</sup> April 2012, the changes in respect of which have been incorporated into Appendix B.**
- 2.2 **To approve the amended Constitution as set out at Appendix B.**
- 2.3 **To delegate authority to the Monitoring Officer to update the Constitution on 1 July 2012 in line with the changes implemented in the Localism Act 2011 in respect of the Standards regime, as highlighted in the attached Constitution and any further consequential changes.**

##### 3.0 KEY ISSUES

- 3.1 Since the last review of the Constitution in 2010/11, items have been collated for consideration and these were reported to the Constitution Review Task Group on 12 March 2012.
- 3.2 Policy Finance and Administration Committee considered a report on 17<sup>th</sup> April 2012 setting out terms of reference (attached at Appendix A), following a request from Full Council on 14 December 2011 regarding the introduction of a Governance Committee. These changes have been incorporated into the proposed constitution as highlighted changes.
- 3.3 At Full Council on 18<sup>th</sup> April 2012 the items recommended from the Constitution Task Group were approved. Further on that agenda a motion was proposed and subsequently approved in respect of the abolition of Overview, Scrutiny and Audit Committee, which this amended Constitution now reflects. All these changes are identified through tracking in the attached revised document.
- 3.4 In preparation for the enactment of the Standards related parts of the Localism Act 2011 and the abolition of the standards committee, the relevant parts of the

Constitution that will be amended when this legislation comes into force, have been highlighted for Members attention and a revised Constitution will be issued following this date.

- 3.5 Where any policies have been approved during the year or further minor errors identified, these amendments have also been incorporated as tracked changes.

#### **4.0 POLICY AND CORPORATE IMPLICATIONS**

- 4.1 The Constitution is subject to annual review and due to it being a living document there may be requirements for change, which become apparent throughout the year. These may be collated for the next relevant committee or, if urgent, may be considered at the next Full Council Meeting.

- 4.2 The proposed revisions to the Scheme of Delegations to Officers provide that the Monitoring Officer has delegated authority to authorise amendments to the Constitution following legislative or other statutory changes and minor procedural and operational changes.

#### **5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS**

- 5.1 There are no financial and resource implications relating to this report.

#### **6.0 LEGAL IMPLICATIONS/POWERS**

- 6.1 Specific legal implications relating to each amendment were taken into account when considering the relevant item. It is good practice to regularly review the constitution in line with member requirements. The changes implemented by the Localism act will need to be incorporated at the relevant time.

#### **7.0 COMMUNITY SAFETY**

- 7.1 There are no community safety implications relating to this report.

#### **8.0 EQUALITIES**

- 8.1 There are no specific equalities implications relating to this report.

#### **9.0 RISKS**

- 9.1 There are no specific risks.

#### **10.0 CLIMATE CHANGE**

- 10.1 It is proposed that the revised Constitution be available electronically to Members and Officers to meet the Council's corporate commitment to the paperlight project.

#### **11.0 CONSULTATION**

- 11.1 There has been internal consultation with Management Team on the delegations for Heads of Service and relevant parts of the constitution.

## 12.0 **WARDS AFFECTED**

12.1 All wards are indirectly affected by this report.

---

Contact Officer : Christine Marshall, Monitoring Officer  
Date : 01 May 2012

Appendices : Appendix A – PFA Committee Report, Governance Committee  
Appendix B – Revised Constitution 2012/13

Background Papers : Constitution 2011