

## **Annual Meeting of the Council – 18<sup>th</sup> May, 2006**

### **Report of the Director of Law and Property**

#### **Constitution and Scheme of Delegation**

##### **Purpose of Report**

1. To seek the Council's affirmation of the Constitution and Scheme of Delegation for the 2006/07 municipal year and to consider associated matters.

##### **Background**

##### **General Overview**

2. The Council's Constitution prescribes that the Scheme of Delegation shall be agreed at the Annual Meeting.
3. The Scheme of Delegation, as set out in Part 3 of the Constitution, was first approved at the meeting of the Council held on 29<sup>th</sup> April, 2002. The Council has approved a number of amendments to the Constitution since then, including the latest amendments as a result of the annual review considered by the Council on 27<sup>th</sup> February, 2006. I have incorporated these amendments into the Constitution which is available on the Council's website [www.dudley.gov.uk](http://www.dudley.gov.uk). A full copy of the Constitution is available for inspection in the Member's Room and from the Democratic Services Section (Tel: 01384 815235).

##### **Remodelling of Council Services and New Select Committees**

4. The Council will be aware from earlier agenda items, that work is ongoing to finalise the Council's remodelling arrangements, particularly for the new Directorates of Children's Services and Adult, Community and Housing Services. This, together with the adoption of new designations for Cabinet Members and Select Committees, will require amendments to the Constitution and the Scheme of Delegation.
5. Subject to the Council's approval, the Constitution will be updated to reflect the new titles and any other necessary and consequential amendments arising from decisions made at this meeting.

6. The Cabinet Member portfolios and associated officer delegations will also need to be amended to reflect the responsibilities of the new Cabinet Members and Directorates. Article 15.02 of the Council's Constitution provides that the Scheme of Delegation set out in Part 3 of the Constitution may be amended by the Leader, with the approval of the Leaders of the opposition groups, through a decision sheet.

### **Access to Information Procedure Rules**

7. The Government has recently issued Regulations relating to access to information. The Regulations reflect a number of legislative changes, including those arising from the Data Protection Act 1998 and the full implications of the Freedom of Information Act 2000. The definitions of "exempt information" as contained in Schedule 12A to the Local Government Act 1972 have been amended. There is now a 'public interest' test that must be applied by the Proper Officer (the Director of Law and Property) before a particular report or item can be considered as containing "exempt information". The public interest test must also be considered in respect of any proposal to exclude the public and press from a meeting during the consideration of a particular item of business. The legally required changes came into effect on 1<sup>st</sup> March, 2006 and have been incorporated into the Council's Access to Information Procedure Rules. These are set out in Part 4 of the Constitution.

### **Finance**

8. The financial implications arising from the adoption and maintenance of the Council's Constitution are met from within existing resources.

### **Law**

9. The relevant statutory provisions regarding the Council's Constitution are contained in Part II of the Local Government Act, 2000, together with Regulations, Orders and Statutory Guidance issued by the Secretary of State. The legal provisions relating to Access to Information are contained in the Local Government Act 1972 and must be incorporated within the Council's Constitution.

### **Equality Impact**

10. This report has no direct implications for the Council's policies with regard to equality and diversity. The Council's Constitution sets out the arrangements made by the Council for the proper discharge of all of its powers, duties and functions, including those relating to equality and diversity and in respect of children and young people.

### **Recommendations**

11. That the Constitution and Scheme of Delegation be reaffirmed for the 2006/07 municipal year.

12. That the Director of Law and Property be authorised to make any necessary and consequential amendments to the Constitution arising from the decisions made at this annual meeting of the Council.
13. That the revised Access to Information Procedure Rules, as set out in Part 4 of the Constitution, be endorsed.

*John Poyellis*

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**Director of Law and Property**

### **Background Papers**

The Council's Constitution.