

MEETING OF THE COUNCIL – 19TH JULY, 2004

REVIEW OF CONSTITUTION

REPORT OF THE CHIEF EXECUTIVE

1.0 PURPOSE OF REPORT

- 1.1 To consider the proposals of the Executive regarding a Review of the Constitution and a number of amendments thereto.

2.0 BACKGROUND

- 2.1 The report attached was submitted to the meeting of the Executive held on 5th July, 2004.
- 2.2 Particular consideration was given in the discussion to the following issues:
- (a) In relation to Select Committee Procedure Rule 15 (h) (ii), the minimum number of members of at least two political groups required for a decision to be called in where the composition of a Select Committee is fewer than 10 in number.
 - (b) The addition of allotments to the items referred to in the third bullet point of point 2 in paragraph 4.3 of the report (issues on which it is proposed ward members will be consulted with regard to the refusal of applications for the disposal of land).
 - (c) The level of the Capital expenditure budget for Area Committees, in the light of the number of elected wards within the boundaries of each respective Area Committee.
 - (d) Further to the assurance given by the Leader at the Annual Council Meeting, the issue of split representation from the Cradley and Foxcote and Quarry Bank and Dudley Wood wards on the Stourbridge, Halesowen, Brierley Hill and Central Dudley Area Committees.
- 2.3 The Director of Law and Property was also requested to add a note to the Constitution to the effect that the composition of Committees must comply with the rules on proportionality subject to certain exceptions, as required by the Local Government and Honorary Act, 1989.
- 2.4 The recommendations of the Executive are as set out in Section 3 below.

3.0 PROPOSALS

- 3.1 That the Council be recommended:
- (a) That the general overview in Section 3 of the report to the Executive attached be endorsed.

- (b) That the arrangements for dealing with property reports set out at paragraph 4.3 of the report to the Executive attached be approved, subject to the addition of reference to allotments in the third bullet point in point 2 of paragraph 4.3 of the report.
- (c) That the scheme of delegation be amended as set out in paragraphs 5.1 to 5.8 of the report to the Executive attached and that paragraph 5.9 regarding future amendments to the scheme of delegation be approved.
- (d) That the amendments to the Council Procedure Rule set out in Section 6 of the report to the Executive attached be approved.
- (e) That the procedure for making urgent non-key decisions be the same for as urgent key decisions.
- (f) That Contract Standard Orders be amended as set out in Section 8 of the report to the Executive attached.
- (g) That the Members' Allowances Scheme be amended as set out in Section 9 of the report to the Executive attached.
- (h) That the terms of reference, composition and normal delegation to the Director of Law and Property of the Licensing and Safety Committee be amended as set out in Section 10 of the report to the Executive attached, with effect from 1st September, 2004.
- (i) That Select Committee Procedure Rule 15(h) (ii) be amended to provide that the minimum number of members of at least two political groups required to call in a decision be four where the total composition of a Select Committee is fewer than ten in number.
- (j) That the total of the Capital budget allocated to the North Dudley Area Committee be set at £40,000, since the number of electoral wards comprising that Area Committee numbers only four.
- (k) That no charge be made to the existing member representation on Area Committees.
- (l) That a note be added to the Constitution to the effect that the composition of Committees must comply with the rules on proportionality, subject to certain exceptions, as specified in the Local Government and Housing Act, 1989.

4.0 FINANCE

- 4.1 The financial implications are as set out in Section 12 of the report to the Executive attached.

5.0 LAW

- 5.1 The legal powers applicable are as set out in Section 13 of the report to the Executive attached.

6.0 EQUAL OPPORTUNITIES

- 6.1 The equal opportunities implications are as set out in Section 14 of the report to the Executive attached.

7.0 RECOMMENDATIONS

7.1 That the proposals set out in Section 3 above be approved.

8.0 BACKGROUND PAPERS

8.1 The background papers are as stated in the report to the Executive attached.

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LEADER OF THE COUNCIL