

Annual Meeting of the Council – 19th May, 2011

Report of the Director of Corporate Resources

Constitution and Scheme of Delegation

Purpose of Report

1. To seek the Council's affirmation of the Constitution and Scheme of Delegation for the 2011/12 municipal year and to establish a Member Working Group to consider the ongoing implications of the Localism Bill and associated matters.

Background

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 29th April, 2002. The Council has approved a number of amendments to the Constitution since then.
4. The Constitution requires frequent updating to reflect changes in legislation and Statutory Instruments, Regulations and Guidance issued under various statutory provisions. As the Council's Monitoring Officer, I maintain the Constitution and ensure that it is widely available for consultation by members, staff and the public. The Constitution is available on the Council's Website. A full copy of the Constitution is also available for inspection in the Member's Room and from the Democratic Services Section (Tel: 01384 815235).
5. The Localism Bill, currently before Parliament, will have implications for the Council's future governance and constitutional arrangements. The annual review of the Constitution is normally submitted to the Cabinet and Council in the autumn. On 27th October, 2010, however, the Cabinet agreed that the annual review of the Constitution be deferred pending the receipt of further details of the Government's legislative programme over the next 12 months.
6. The Localism Bill is scheduled for enactment in November, 2011 and there are various associated considerations where national guidance is emerging. It is therefore proposed that a Member Working Group be established for 2011/12 to give consideration to the implications of the Localism Bill and any associated constitutional and governance issues arising from the Government's legislative programme and the Council's local priorities.

7. The Working Group will be required to submit any recommendations to the Cabinet and the Council. The Membership of the Working Group will comprise representatives of the political groups on the Council. Nominations for Members to serve will be agreed in consultation with the Leader of the Council and the Leader of the Opposition Group in due course.

Finance

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

Law

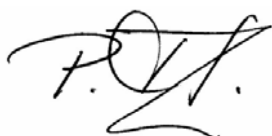
9. The relevant statutory provisions regarding the Council's Constitution are contained in Part II of the Local Government Act, 2000, together with Regulations, Orders and Statutory Guidance issued by the Secretary of State.

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 2011/12 municipal year.
12. That the Director of Corporate Resources be authorised to make any necessary and consequential amendments to the Constitution arising from the decisions made at this meeting, including any necessary revisions to Part 3 of the Constitution (responsibility for functions).
13. That all existing references in the Constitution to statutory provisions be taken to include any subsequent legislation, Statutory Instruments, Regulations, Orders or Guidance issued under those statutory provisions.
14. That a Constitution and Governance Member Working Group be established for 2011/12, with the terms of reference set out in paragraph 6 of this report, and that the Director of Corporate Resources, in consultation with the Leaders of the political groups, be authorised to determine the membership of the Working Group and agree a programme of meetings.



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Philip Tart
Director of Corporate Resources