

## **Meeting of the Council – 29<sup>th</sup> November, 2010**

### **Report of the Cabinet**

### **Annual Review of the Constitution**

#### **Purpose of Report**

1. To consider the current position on the annual review of the Constitution.

#### **Background**

2. The Council introduced its written Constitution in May 2002.
3. Section 37 of the Local Government Act 2000 requires the Council to keep the Constitution up to date. This is reflected in Article 15, which requires the Monitoring Officer to monitor and review the operation of the Constitution in order to ensure that the aims and principles are given full effect.
4. The full Council must approve any changes to the Constitution after consultation with the Cabinet. The only exception to this is that the Leader, with the support of the other Group Leader(s), may approve amendments to the Scheme of Delegation.
5. The Council has a duty to promote democracy under the provisions of the Local Democracy, Economic Development and Construction Act 2009. The Constitution is an important vehicle by which the Council promotes its overall democratic governance arrangements.
6. The Constitution was last reviewed in October 2009. All previously approved amendments have been fully implemented.
7. Since the 2009 review, there has been a significant change in the national context. Since the Coalition Government took office in May, 2010, debate has commenced on the future of local authority governance structures including the following significant themes:-
  - Proposals in the [Decentralisation and Localism Bill](#), as outlined following the [Queen's Speech](#) on 25<sup>th</sup> May, 2010
  - The overall context of sharp financial constraints and decreased resources within the public sector.
  - The future of the National Health Service (NHS) and what this will mean for health and social care scrutiny

- The ongoing demand for more active community engagement
  - Scrutiny and accountability of Local Strategic Partnerships
  - Overview and Scrutiny at a sub-regional level and other opportunities for collaborative working
8. Officers will be submitting reports to the Cabinet, appropriate Committees and the Council as and when more details emerge on the roll-out of the Government's legislative programme over the next 12 months and beyond. It is sensible to defer any significant review of the Council's Constitution at this stage until details of the legislative programme become clearer.
9. At its meeting on 27<sup>th</sup> October, 2010, the Cabinet agreed that, subject to the issue of call-in being reviewed as soon as possible, 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. With regard to the call-in process, revisions to the Select Committee Procedure Rules and Scrutiny Protocols will be the subject of a separate report.

### **Finance**

10. There are no financial implications arising from this report. Any costs arising from compliance with the Constitution are met from existing budgets.

### **Law**

11. Section 37 of the Local Government Act 2000 requires the Council to keep its Constitution up to date.

### **Equality Impact**

12. This report complies with the Council's policies on equality and diversity and there are no particular implications for children and young people.

### **Recommendation**

13. That, subject to the issue of call-in being reviewed as soon as possible, 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.



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**Leader of the Council**