

PROPOSED CONSTITUTION AMENDMENTS

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Wards affected: None directly

PROPOSED RECOMMENDATIONS TO COUNCIL:

That

- a) *the proposed amendments to the Constitution as set out in paragraph 17 of the report, be agreed.*
- b) *the Democratic Services Manager be authorised to make the amendments set out above.*

Corporate Implications

Changes to the Constitution are made by Council, following recommendation from this Committee or Cabinet or another committee if appropriate. There are no financial implications arising from this report.

The Constitution was introduced with the coming into force of the Local Government Act 2000. As time has progressed, various updates and amendments have been made, in keeping with the fact that the Constitution is comprised of an evolving set of documents. It has however become apparent that some further modernisation would be of help in improving readability and speed of reference.

The proposed amendments set out within this report aim to tidy up the Constitution, by bringing sections together and making the document more accessible and user friendly. There are no amendments to delegation levels, simply a tidying up exercise to seek to improve the layout of the document.

Executive Summary

1. In March 2014, this Committee received a report setting out proposed amendments to the Scheme of Delegation to Officers, set out within Part 2 of the Constitution. It was noted at that time that it had been some time since a review of the Scheme had been undertaken. A number of new pieces of legislation, together with changes to officer job titles, and the transfer of certain functions from one Service area to another, had prompted a review to be undertaken.
2. In considering the proposals, the Committee agreed that the Scheme should be kept under review, with an annual review taking place to ensure any changes in legislation or any other changes were included and accurately reflected.
3. Since that time, further work has been undertaken in relation to reviewing the layout of aspects of Part 2 of the Constitution (Responsibilities For Functions), including the Scheme of Delegation to Officers. It should be emphasised that no changes are being proposed to delegations, responsibilities or functions, the

review has merely sought to improve the layout of the Constitution by bringing relevant Sections together.

Background

Part 1 of the Constitution

4. Part 1 sets out an overview summary and the Articles outlining some of the main areas contained within the Constitution. This provides overarching guidance of the rules governing the Council's business, with the detailed procedures and codes of practices, etc, set out in the Parts that follow (Part 2 referred to later in the report being a good example of this).
5. A brief review has been undertaken of Part 1. The previously named "Sections" have been re-named "Articles", which is the term which was used when model Constitutions were published with the Local Government Act 2000. Other minor amendments are proposed to this Part, primarily to reduce repetition of references to procedures which are set out in much more detail in later parts of the Constitution. For example, Article 1 (Purpose of the Constitution) currently includes a summary of all the responsibilities for each Committee and Cabinet etc, when this is already set out in detail within Part 2 of the Constitution. It is proposed that this is amended to include a sentence referencing where the detail can be found in the Constitution (Part 2).
6. There are a couple of other instances within Part 1 where repetition can be avoided. In Article 2 (Councillors), there are paragraphs on the Code of Conduct, Allowances and the Honorary Aldermen scheme. It is proposed to amend these paragraphs to include a sentence referencing where the detail can be located for each of these elsewhere in the Constitution.

Part 2 of the Constitution

7. Part 2 of the Constitution sets out the Responsibilities for Functions. This includes the detail of the functions which are the responsibility of, and have been delegated to, Full Council, Cabinet, the Council's Committees, and its officers. Part 2 also sets out all the terms of reference for the Committees, and the levels of responsibility for the Cabinet Portfolio Holders.
8. The current layout of Part 2 has not been reviewed for some time. It comprises the following:
 - Section A sets out the responsibility for the non-executive functions of the Council, and this includes the functions reserved to Full Council, the Committees, and Officers.
 - Section B sets out the executive functions and includes those functions reserved to the Cabinet, the individual Portfolio Holders, and Officers.
 - Section C includes 'General Delegations' for both executive and non-executive functions, or both, and

- Section D sets out the membership of the Cabinet, and a summary of the roles and key tasks associated with key Member positions, i.e. Leader, Deputy Leader, Chairman of the Council, and Chairmen of the Committees.

Proposed Amendments

9. The current layout has presented some issues in that officers and members wishing to locate specific details relating to delegations and authorities have often had to reference two, maybe three, different aspects of Part 2 to find what they have been looking for. For example, an officer wishing to locate his or her scheme of delegation responsibilities has to currently go to Section A to check their non-executive functions, but then also has to check Section B to check their executive functions, and then also Section C to reference their 'general' ones.
10. It is proposed to change the layout of Part 2 so all the delegations and authorities for Officers are brought together within one Section. Hence, in this Section, there will be one element for each Officer, with all their delegations and authorities brought together so it will be a much better, quicker, leaner and clearer method of locating the information. Under each Officer's job title, their executive, non-executive, and general delegations will be listed under the relevant headings but within the one place. There are statutory responsibilities that the Council is obligated to have for certain officers and it is proposed to set these out more clearly too in a section for the Proper Officer functions. These include roles such as the Section 151 officer, Returning Officer and Electoral Registration Officer etc.
11. It is proposed to also reorganise the other Sections so it is easier to locate what the functions are for the Full Council, Committees, Cabinet, and Portfolio Holders. Currently functions delegated to officers are included within the terms of reference of Committees and are then repeated within the Scheme of Delegation. To avoid this repetition, and make it easier and clearer, it is proposed to have a section referencing the functions reserved to Full Council and Committees. A further Section will set out the functions reserved to Cabinet and Portfolio Holders. The current section setting out the summary of the roles and key tasks associated with key Member positions, i.e. Leader, Deputy Leader, Chairman of the Council, and Chairmen of the Committees, will be maintained.
12. In summary, set out below is the proposed new order of Sections within Part 2:
 - Section A sets out the responsibility for the functions of the Full Council, and Committees.
 - Section B sets out the functions reserved to the Cabinet, and the Portfolio Holders
 - Section C sets out the Scheme of Delegation to Officers.
 - Section D sets out the Proper Officer Functions.
 - Section E sets out the tasks associated with key Member positions, i.e. Leader, Deputy Leader, Chairman of the Council, and Chairmen of the

Committees.

13. It should be emphasised that no changes are being proposed to any delegations, functions or responsibility. What is being proposed is a 'tidying up' exercise, aimed at bringing current Sections together, to make it a leaner and more effective experience for users of the Constitution.

Council's Petitions Scheme

14. Currently, the Council's Petitions Scheme does not form part of the Constitution. It is available on the Council's web site. It is proposed that the Scheme is included within the Constitution and that this is included within the Standing Orders section of Part 3 of the Constitution (Procedural).

Consequential Changes

15. At the Regulatory and Appeals Committee held on 26 November 2012, it was recommended to Full Council that delegated authority be granted to the Head of Democratic, Legal and Policy Services, to effect any consequential changes to the Constitution arising from changes to legislation which are mandatory on the Council. This was agreed by Full Council in December 2012.
16. It is proposed that this authority also be extended to amend the Constitution so any changes in Officer Job titles, Service Departments (arising from restructurings), Cabinet Member portfolio details, names of Committees, etc can be made promptly. This would ensure that the Constitution can be updated with immediate effect. A summary of any changes made under this authority would be provided to Members in an information sheet.

Summary

17. To summarise the proposed amendments within this report, it is recommended that
 - Part 1 of the Constitution be tidied up to avoid repetition, in accordance with the examples set out in paragraphs 7 and 8.
 - the Sections within Part 2 of the Constitution be reorganised as set out in paragraph 12 above.
 - the Council's Petitions Scheme be included within Part 3 of the Constitution (Procedural)
 - The current delegation to the Head of Democratic, Legal and Policy Services to effect any consequential changes to the Constitution arising from changes to legislation which are mandatory on the Council, be extended to include amendments to any changes in Officer Job titles, Service Departments (arising from restructurings), Cabinet Member portfolio details, names of Committees, etc
18. Due to the size of Parts 1 and 2 of the Constitution, it has been considered to be unduly cumbersome to include the original, tracked, and proposed new

documents within this report. However, the proposed amended documents are available electronically with this report as part of the agenda for this meeting on the Council's web site. The documents are also available on the Members' Intranet. Any member wishing to receive a copy of the documents can contact Democratic Services at committeeservices@wycombe.gov.uk, and arrangements will be made for the documents to be sent electronically.

19. The existing version of the Constitution can be found on the Council's web site.

Next Steps

20. The recommendations of the Committee will be presented to Full Council for consideration at their next meeting on 26 February 2015.

21. As part of the annual monitoring of the Constitution, a detailed review will commence following the 2015 District Council Elections.

Background Papers

Council Constitution