



**REPORT OF: DIRECTOR OF HR & LEGAL**  
**TO: COUNCIL FORUM**  
**ON: 31<sup>st</sup> JANUARY 2013**

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**SUBJECT: Constitution Update**

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## **1. PURPOSE OF THE REPORT**

To advise the Council that the Constitution has been updated Constitution, and has been made available to all members and also placed on Council website.

## **2. RECOMMENDATIONS**

To approve:

- a) the amendments made to the Constitution to reflect the resolutions passed at full Council;
- b) the amendments made to the Constitution to reflect the, new Council management structure, the various provisions of Localism Act 2011 and other legislative changes; and
- c) the amended substitution provisions relating to membership of the Licensing Committee.

To note that a further review of the constitution will be undertaken to reflect the transfer of public health functions to the Council on 1<sup>st</sup> April 2013. A further report will be presented to Council to approve the amendments.

## **3. BACKGROUND**

The Constitution is a key document setting out the governance framework of the Council. From time to time the constitution needs to be updated to reflect changes in legislation, resolutions passed by Council, portfolio changes made by the Leader, and changes made to the Council management structure and delegations. The Constitution was last updated in June 2010.

## **4. RATIONALE**

Since the last constitution update there has been a number of resolutions passed by Council, including:

- New scrutiny arrangements and roles of Overview & Scrutiny committees;
- Amendments to Council Procedure Rules and Overview & Scrutiny Procedure Rules;
- Changes to Executive Member Portfolio Responsibilities;
- New Standards regime & arrangements for dealing with complaints

There have also been some legislative changes impacting the Council's decision making processes and governance arrangements. These include the Localism Act 2011 and the Local

Authorities (Executive Arrangements) (Meetings & Access to Information) (England) Regulations 2012.

There has also been changes to the Council's management structure which need to be reflected in the different parts of the constitution

Licensing Committee – the mandatory training required for membership of this committee was extended to all members. Many members have now received the training and are now therefore eligible to be substituted on the committee, if and when necessary.

Public health transition – The public health functions will need to be undertaken in accordance with relevant legislation and the Council's governance framework. The Council's constitution will require amendments to accommodate the transition.

## **5. POLICY IMPLICATIONS**

Constitutions set out the governance framework for local authorities, which provide the foundations for any local authority that aspires to be effective, progressive and successful.

## **6. FINANCIAL IMPLICATIONS**

None

## **7. LEGAL IMPLICATIONS**

The Local Government Act 2000 requires local authorities to prepare, keep up-to-date and publicise their constitution.

The Localism Act 2011 has introduced many changes, including the new Standards regime and options for governance arrangements in local authorities.

The Local Authorities (Executive Arrangements) (Meetings & Access to Information) (England) Regulations 2012 required changes to be made to the Access to Information Procedure Rules in the constitution.

The Health & Social Care Act 2012 transfers public health functions and responsibilities to local authorities.

## **8. RESOURCE IMPLICATIONS**

The implications of the Localism Act 2011 may require various processes and procedures to be developed.

## **9. EQUALITY IMPLICATIONS**

The constitution update reflects changes in legislation. It also reflects various resolutions passed at Council, which itself would have been subject to equality implications, if any.

## **10. CONSULTATIONS**

### **Chief Officer/Member**

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Date: 11 January 2013

Background Papers: None