



REPORT OF:	DIRECTOR OF HR & LEGAL
TO:	COUNCIL FORUM
ON:	26 JUNE 2014

SUBJECT: Constitution Update and the Election of Leader

1. PURPOSE OF THE REPORT

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

To elect the executive Leader of the Council.

2. RECOMMENDATIONS

To approve:

- 1 The amendments made to the Constitution to reflect the resolutions/decisions made at full Council since October 2012:
 - a) the amendments made to the Constitution to reflect changes to the senior management structure, the various provisions of Localism Act 2011 coming into force, the Health and Social Care Act 2012 and other legislative changes; and
 - b) the insertion of the Officer Code of Conduct, as approved by the Executive Member for Resources.
- 2 The re-election of the Leader of the Council to realign with the municipal calendar concluding at the Annual Council in May 2015.

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 October 2012.

The Council operates under the Leader and Cabinet Executive arrangements. The Leader of the Council's 4-year term expires in September 2014 and constitutionally requires election by full Council.

4. RATIONALE

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

- Changes to the arrangements and roles of Overview & Scrutiny committees;
- A review of the Members' Allowances Scheme;

- The transfer of public health functions to the Council on 1st April 2013 and the establishment of the statutory Health and Wellbeing Board and the Director of Public Health role; and
- Officer delegations to determine matters relating to Prior Notification/Prior Approval applications made under the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.

There have also been some new policies and procedures introduced; the Community Right to Bid/Assets of Community Value and the Community Right to Challenge under the Localism Act 2011.

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

The Officer Code of Conduct has also been prepared and approved by the Executive Member for Resources, and the Code of Corporate Governance has been amended to incorporate the changes to the 'CIPFA/SOLACE Delivering Good Governance Guide'.

At an Extraordinary meeting of the Council on 14th September 2010 the Leader of the Council was elected. The Constitution of the Council states that "*the Leader will hold office (the earlier of) for a term of four years from the date of appointment as Leader.....or until the first Annual Council after his/her normal day of retirement as a councillor*". The Leader of the Council's 4-year term expires in September 2014 and in order to align her term as executive leader with her term in office as a Councillor (May 2015), a re-election needs to take place.

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 Health and Social Care Act 2012 has transferred public health functions and responsibilities to local authorities, and established the Health & Wellbeing Board and the Director of Public Health role.

The provisions relating to the Community Right to Bid/Assets of Community Value and the Community Right to Challenge under the Localism Act 2011 have come into effect, which required appropriate policies and procedures to be introduced.

The Council operates under the Leader and Cabinet Executive arrangements as provided for in the Local Government Act 2000 (as amended).

Under Article 7.03 of the Constitution the term of office for the Leader is stated as "the earlier of 4 years from the date of appointment until the first Annual Council after his/her normal date of retirement as Councillor."

8. RESOURCE IMPLICATIONS

None

9. EQUALITY IMPLICATIONS

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

Chief Officer/Member

Contact Officer:	Asad Laher, Deputy Council Solicitor, (01254 585495).
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Background Papers:	None