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**Report to:** Cabinet                      **Date of Meeting:** 16 August 2012  
 Overview & Scrutiny Management      28 August 2012  
 Council                                              6 September 2012

**Subject:** Update on the Council’s Constitution

**Report of:** Directors of Corporate Services and Corporate Commissioning

**Wards Affected:** No

**Is this a Key Decision?** Yes                                      **Is it included in the Forward Plan?**  
 Yes

**Exempt/Confidential**                                              No

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**Purpose/Summary**

1. To outline the proposed changes to the Council’s Constitution
2. To formulate recommendations to Council for determination on 6 September 2012

**Recommendations: Cabinet – 16 August 2012**

1. That Cabinet notes the proposed amendments to the Constitution
2. That Cabinet recommends the newly amended Constitution for consideration
3. That Cabinet agrees to delegate power to both the Heads of Governance and Civic Services and Corporate Legal Services to make legislative and any other necessary and urgent amendments to the Constitution and for such actions to be reported to the next Council meeting as appropriate. Any such step to be taken in consultation with the Leader of the Council

**Recommendations: Council – Overview and Scrutiny – 28 August 2012**

1. That the Committee consider the amended Constitution and refer any comments for consideration to Council

**Recommendations: Council – 6 September 2012**

1. That Council adopts the newly revised Constitution with immediate effect.

**How does the decision contribute to the Council’s Corporate Objectives?**

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		X	
2	Jobs and Prosperity		X	

3	Environmental Sustainability		X	
4	Health and Well-Being		X	
5	Children and Young People		X	
6	Creating Safe Communities		X	
7	Creating Inclusive Communities		X	
8	Improving the Quality of Council Services and Strengthening Local Democracy		X	

**Reasons for the Recommendation:**

The purpose of revising the Council’s Constitution was to make the document more user friendly.

**What will it cost and how will it be financed?**

**(A) Revenue Costs**

Nil

**(B) Capital Costs**

Nil

**Implications:**

<b>Legal:</b> Legal implications are contained within the report	
<b>Human Resources:</b> Nil	
<b>Equality</b>	
1. No Equality Implication	<input type="checkbox"/>
2. Equality Implications identified and mitigated	<input type="checkbox"/>
3. Equality Implication identified and risk remains	<input type="checkbox"/>

**Impact on Service Delivery:**

It is anticipated that this will facilitate more efficient working for all those who have to work to and consult the Council’s Constitution.

**What consultations have taken place on the proposals and when?**

The Head of Corporate Finance (FD1706/12) has been consulted and there are no financial implications arising from the contents of the report.

## **Are there any other options available for consideration?**

These are contained within the report

## **Implementation Date for the Decision**

6 September 2012

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## **Background Papers: Nil**

### **1. Introduction/Background**

The Constitution is being presented to Members as a draft for consideration, which will ultimately be determined at the meeting of Council on 6 September 2012.

Key steps have been taken to amend the Constitution in light of the following principles/issues:

- a. No changes have been made to the balance of responsibilities between Councillors and Officers
- b. Existing legislative provisions have been reviewed to ensure they are accurate and up to date. Where legislative changes have been made, they may have also necessitated an updating of practices and procedures in the Constitution. In particular new legislative provisions have been included such as those arising from the Localism Act 2011.
- c. Key phrases and terms have been reviewed to ensure that they are consistent throughout their use in the Constitution
- d. Terms of Reference for committees, panels etc have been updated to reflect changes made to the Council's structure and hierarchy
- e. The style and format of the officer scheme of delegation has been radically overhauled. It will now operate on a set of principles as opposed to an exhaustive list of legislation that requires extensive reviewing and updating on an at least annual basis.
- f. Reduction in the size of the Constitution where possible – duplication has been removed etc

The Constitution is currently divided into 7 sections. It can be hard to locate key information within it, difficult to reference and inconsistent in places. Officers consider that by using the current Articles/Sections (currently set out in Section 1 of the constitution) as the basis for the key chapters of the Constitution, information will be more easily accessed. Information is now contained in the following categories. These are now referred to as chapters of the Constitution.

- **Introduction to the Constitution** – this Chapter includes a short explanation and summary of the purpose and statutory basis for the document, some key definitions and principles
- **Members** – this Chapter now includes all information that is relevant to all member to understand for their role as a Councillor, such as the Code of Conduct, what rights there are for access to information, in which forums a member can ask questions, when member's have rights to speak at, how to ask for a dispensation, call for action, petitions, register of interests etc
- **Citizens** – this Chapter sets out relevant information so that a member of the public can readily understand how to access council information, when and how to ask questions and which forums and how to make a complaint about council services or councillors.
- **Full Council** – every councillor has to attend full Council so it is important that they know where to find the rules that apply to the meeting, what the role of the Mayor is , what decisions are unique to Council meetings, when they can and cannot vote at a Council budget meeting etc.
- **Cabinet** –this Chapter includes all the rules of procedure, decisions which are unique to Cabinet, the role of the Leader and the Portfolio Holders, responsibilities etc.
- **Overview & Scrutiny** – as this is a unique function within the Council this Chapter ensures that all of the rules of procedure, responsibilities, composition and how a committee goes about calling people to give evidence, assist them with their scrutiny function etc.
- **Regulatory & Other Committees** – the Council has a range of other committees, some of which are quasi-judicial in nature, such as licensing, planning, and other committee such as audit and governance etc. All aspects relating to these committees is captured in this Chapter so that it is clearly understood what the roles, rules and responsibilities of these bodies are.
- **Area Committees** – the same approach has been taken in this Chapter to ensure that both members and citizens participating in these committees understand the roles and responsibilities

- **Joint arrangements & Strategic Partnerships** – there are number of organisations with which the Council works that are included in this Chapter. The Chapter sets out roles, responsibilities, composition and access to information rules. There is also an opportunity here to include information about the Council’s own company to ensure that the Council undertakes the role of the shareholder in a transparent and consistent manner.
- **Officers** –This Chapter incorporates a range of rules and procedures with which officers need to be acquainted. This includes delegations, rules around publicity, purdah, the roles of statutory officers, political restriction of posts, codes and protocols etc.
- **Finance, Contracts and Legal** – these issues underpin much of the work that goes on within the Council. It is essential that these rules, procedures etc are readily found, so it proposed to have a separate chapter accordingly.
- **Officers and Members** – this has been used for information that both officers and members need to be aware of and includes for example the Access to Information Rules and the Member/Officer Protocol

## 2. Process and timetable:

Date	Meeting/Consultation
25 June 2012	Briefing Cabinet Member - Performance and Governance Portfolio Holder
23 July 2012	Briefing Cabinet Member - Performance and Governance Portfolio Holder
16 August 2012	Cabinet
22 August 2012	Briefing Opposition Spokespersons
28 August 2012	Overview & Scrutiny Management Committee
6 September 2012	Council

The Constitution can be viewed by accessing the following link to the Council’s Document Library:

<http://modgov.sefton.gov.uk/moderngov/ecCatDisplay.aspx?sch=doc&cat=13375&path=13374>