

Appendix

Report to Standards Committee 8<sup>th</sup> March 2011

List of proposed changes to the Constitution.

Part of the Constitution	Change	Now reads	Reason
Article 7 – The Executive			
7.2	Delete “Executive” from Executive Leader. Add after “Leader” the following “the Deputy Leader and a maximum of “ Delete “Council” at the end of the paragraph and replace with “Leader.	7.2 Form and Composition The Executive will consist of the Leader, together with the Deputy Leader and a maximum of 8 other councillors appointed to the Executive by the Leader.	This makes one of the main changes to the Constitution as required by the governance change. It is now the Leader who appoints the Cabinet and the Deputy Leader and not Council.
7.3	Delete “each year” after by the Council and add “following the normal Elections at the end of the first sentence.	7.3 The Leader The Leader will be a councillor elected to the position of Leader by the Council at the Annual Council Meeting following the Elections for a 4 year term.	This makes another fundamental change. The Leader is elected for the 4 year term of the Council following the elections.
7.4	Insert new 7.4	7.4 The Deputy Leader The Deputy Leader will be a Councillor appointed to the position of Deputy Leader by the Leader. The Deputy Leader will hold office until:- (a) he/she resigns from office; or (b) he/she is suspended from being a Councillor under Part 111 of the Local Government Act	There is now a statutory obligation for the Leader to appoint a Deputy Leader to act in his/her absence. The Deputy Leader may be removed by the Leader if he/she thinks fit.

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		<p>2000 (although he/she may resume office at the end of the period of suspension); or</p> <p>(c) he/she is no longer a Councillor; or</p> <p>(d) he/she is removed from office by the Leader if he/she thinks fit</p> <p>(e) the next ordinary Elections</p>	
7.4	<p>Renumber 7.4 as 7.5</p> <p>Amend (d) to replace Council with Leader</p>	<p>7.5 Other Executive Members</p> <p>(d) they are removed from office, either individually or collectively, by the Leader.</p>	
7.5	<p>Renumber 7.5 as 7.6</p>		
7.6	<p>Renumber 7.6 as 7.7</p> <p>Insert "individual Executive members" after "setting out the Executive"</p>	<p>7.7 Responsibility and functions</p> <p>The Council will maintain a list in Parts 3 and 4 of this Constitution setting out whether the Executive, individual Executive members, officers or joint arrangements are responsible for the exercise of particular executive functions.</p>	
Executive Procedure Rules			
4.4.1 Taking Executive	<p>Add a new (iii) as follows and renumber sub clauses:-</p>	<p>(iii) By a member of the Executive</p>	<p>This recognises that some decisions are now delegated</p>

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Decisions			to Executive members.
4.4.1 (c)	Delete "At the present time the Executive has not delegated any decisions other than to officers." After "also shown in the Forward Plan" Add "or Part 4.10 "Officer Delegation Scheme" after "responsibility for functions. Amend the final sentence by changing 4 to 3 and "officers" to members and change to read "Members Delegation are set out in Part 3."	(c) Where a decision has been delegated by the Executive, that fact together with details of which body or person is making such decision, will be shown in Part 3 of this Constitution – "Responsibility for Functions" or Part 4.10 "Officer Delegation Scheme". Where the decision is a key decision it will also be shown in the Forward Plan. Members Delegation are set out in Part 3.	This is tidying up.
4.4.7 Conduct of Executive Meetings (iv)	Add "of any of the Scrutiny Committees" after reports from.	(iv) consideration of reports from any of the Scrutiny Committees and,	This recognises that there are now 3 Scrutiny Committees.
4.4.8 Consultation	Change "and Scrutiny Committee to "and the Scrutiny Committees"	4.4.8 Consultation All reports to the Executive from any member of the Executive or an Officer on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation with the	This recognises that there are now 3 Scrutiny Committees.

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		stakeholders and the Scrutiny Committees and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.	
4.4.9 Who can put items on the Executive Agenda	In (b) add "One of the " at the start and an s to Committee. In (c) add "The Section151 Officer" at the start and put the Director of Resources in Brackets.	(b) One of the Scrutiny Committees or the full Council where it has been resolved that an item be considered by the Executive. However there may only be up to 5 such items on any one agenda. (c) The Section151 Officer [The Director of Resources]	This recognises that there are now 3 Scrutiny Committees.
<b>Council Procedure Rules</b>			
4.1.6 Order of Business at Annual Meeting of the Council	In (iv) delete "and Deputy Leader" Delete (v) and replace with (v) and (vi) Renumber following sub paragraphs. Delete "Policy and Performance Groups" from new (vii). Change Part 3 to Parts 3 and 4 in new (viii)	(iv) Elect the Leader (v) Receive the announcement of the appointment of the Deputy Leader and members of the Executive by the Leader. (vi) Receive the announcement of the allocation of the Portfolios to the Executive	(iv) Recognises that the Deputy Leader is not appointed by Council but by the Leader. (v) and (vi) recognise that it is for the Leader to appoint between 2 and 9 members to the Executive and not as

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		members (vii) Appoint at least one Scrutiny Committee, a Standards Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive functions (as set out in Part 3 of this Constitution). (viii) Agree the scheme of delegation – or such part of it as the Constitution determines it is for the Council to agree (as set out in Parts 3 and 4 of this Constitution).	formally the role of Council. The Leader will also allocate Portfolios – this is what happens now.