

## **Annual Meeting of the Council – 17<sup>th</sup> May, 2012**

### **Report of the Director of Corporate Resources**

#### **Constitution and Scheme of Delegation**

##### **Purpose of Report**

1. To seek the Council's affirmation of the Constitution and the Scheme of Delegation for the 2012/13 municipal year, subject to the changes referred to below, and to the incorporation of all the necessary and consequential amendments arising from the decisions taken at this meeting.

##### **Background**

2. The Council's Constitution prescribes that the Scheme of Delegation shall be agreed at the Annual Meeting.
3. The Scheme of Delegation, as set out in Part 3 of the Constitution, was first approved at the meeting of the Council held on 29<sup>th</sup> April, 2002. The Council has approved a considerable number of amendments to the Constitution since then. Under Article 7, it is the responsibility of the Leader to maintain the list of responsibilities and executive functions allocated to Cabinet Members.
4. The Constitution requires frequent updating to reflect changes in legislation and Statutory Instruments, Regulations and Guidance issued under various statutory provisions. As the Council's Monitoring Officer, I maintain the Constitution and ensure that it is widely available for consultation by members, staff and the public. The Constitution is available on the Council's Website. A full copy of the Constitution is also available for inspection in the Member's Room and from the Democratic Services Section (Tel: 01384 815235).

##### **Webcasting of Full Council Meetings**

5. Since November, 2011, meetings of the full Council have been recorded for live broadcast on the Internet on a trial basis. This has proved successful and it is recommended that Council Procedure Rule 24.5 be amended to provide for the public proceedings of full Council meetings to be routinely recorded and broadcast live on the Council's Internet site in the future. This is subject to the Mayor (or the person presiding) having the discretion to terminate or suspend the web cast if he/she is of the opinion that continuing to web cast would, in any way, prejudice the conduct of the Council's business. The cameras in the Chamber do not capture the images of persons sitting in the public gallery.

6. Recordings of the full Council meeting will only be made using the fixed audio/visual equipment in the Council Chamber as authorised by the Council. The Council reserves the right to adopt and amend local protocols applying to the webcasting of meetings at any point in the future.
7. For all other meetings, the position remains that no recordings, photographs, etc. may be taken without the consent of the meeting concerned.

#### Revisions to the Code of Corporate Governance and the Anti Fraud and Corruption Strategy

8. On 19<sup>th</sup> April, 2012, the Audit Committee considered and approved revisions to the Council's Code of Corporate Governance and the Anti Fraud and Corruption Strategy. Both of these revised documents have been incorporated into Part 6 of the Constitution.

#### Area Committees – Matters of Urgency and Capital Allocations

9. To supplement the existing Area Committee protocols, a standard administrative process is required for dealing with any urgent business that arises between scheduled meetings of Area Committees (eg: urgent applications for funding). It is recommended that the paragraph below be included in the onward delegation of functions from Area Committees in Part 3 of the Constitution. This process will also be reflected in the Area Committee protocols in Part 6:
  - The Area Liaison Officer, in consultation with the Chairman and Vice-Chairman (and the relevant Ward Members as appropriate), is authorised to determine any matters of urgency that cannot reasonably be delayed until the next ordinary meeting of the Area Committee subject to details of the action being reported back to the next available meeting of the Area Committee for information.
  - In the period between the Annual Council Meeting and the election of a Chairman at the first meeting of the Area Committee in the new municipal year, the Area Liaison Officer, in consultation with at least two Members of the Area Committee (being the appointed spokespersons of the political groups represented on the Committee and the relevant Ward Members as appropriate), be authorised to consider and determine any urgent matters. Details of any decisions made will be reported to the first meeting of the Area Committee in the municipal year.
10. On 5<sup>th</sup> March, 2012, the Council approved the Revenue Budget Strategy for 2012/13, including a proposal that the annual Area Committee Capital Allocations (totalling £240,000) are to be met from revenue resources and no longer restricted to funding capital projects alone. This gives additional flexibility in respect of the schemes that can be funded, and also enables groups to bid for funding that have previously been excluded because their activities are primarily of a revenue nature. This change needs to be reflected in the Constitution particularly under Article 10 (Area Committees) and Part 3 (Responsibility for Functions).

11. As referred to in a previous agenda item, the Area Committee arrangements will be the subject of a fundamental review to be carried out by the Scrutiny Committee Chairs as a matter of priority.

### **Finance**

12. The financial implications arising from the adoption and maintenance of the Council's Constitution are met from within existing resources.

### **Law**

13. The relevant statutory provisions regarding the Council's Constitution are contained in Part II of the Local Government Act, 2000, together with Regulations, Orders and Statutory Guidance issued by the Secretary of State.

### **Equality Impact**

14. The Council's Constitution sets out the arrangements made by the Council for the proper discharge of all of its powers, duties and functions, including those relating to equality and in respect of children and young people.

### **Recommendations**

15. That the Director of Corporate Resources be authorised to make any necessary and consequential amendments to the Constitution arising from the decisions made at this meeting and to reflect any ongoing changes in legislative requirements.
16. That Council Procedure Rule 24.5 be amended to provide that the public proceedings of all full Council meetings will be recorded and broadcast live on the Council's Internet site on the basis referred to in paragraphs 5 and 6 above.
17. That the Council endorse the incorporation of the revised Code of Corporate Governance and the Anti Fraud and Corruption Strategy in Part 6 of the Constitution, as referred to in paragraph 8 above.
18. That pending a review of Area Committee arrangements, the process for dealing with any urgent business arising between scheduled meetings of Area Committees and the period between this annual meeting of the Council and the first meeting of the Area Committees in the municipal year, as set out in paragraph 9, be approved and incorporated within the Constitution.
19. That the Constitution be amended to reflect the previous decision of the Council concerning Area Committee funding allocations as referred to in paragraph 10.

20. That, subject to the decisions taken at this meeting, the Constitution and Scheme of Delegation be reaffirmed for the 2012/13 municipal year.
21. That all references in the Constitution to statutory provisions be taken to include any subsequent legislation, Statutory Instruments, Regulations, Orders or Guidance issued under those statutory provisions.



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**Philip Tart**  
**Director of Corporate Resources**