

## COUNCIL

17 May 2012

### Report of the Solicitor to the Council and Monitoring Officer

#### REVIEW OF THE CONSTITUTION

##### **Purpose**

To advise members of required changes to the Constitution.

##### **Recommendation**

That the Council :-

- (i) note the changes to the Constitution and
- (ii) approve the changes outlined in Appendix 1 to this report.

##### **Executive Summary**

It is appropriate to review the Constitution on an annual basis to take into account changes in political arrangements, experience to date and legislative changes.

In the past municipal year not only has legislation had an impact on the changes required to the Constitution there has been the Governance Review Group which has made several changes and the recent Senior Management review. As a result the Constitution is attached with the proposed changes tracked for ease of reference. The main changes are as narrated below.

On 15 November 2011 the Localism Act 2011 obtained Royal Assent. The Act will be brought into force at different times using secondary legislation. Appendix 1 reflects the changes that have been implemented thus far from the Localism Act. One of the main changes so far affecting the Constitution being the abolition of the petitions duty. At present whilst the Standards Board for England has disbanded the Government has not yet produced secondary legislation to allow the present regime to be removed from the Constitution. It is envisaged that such regulations will be available later this month. A further report on the changes required to the Constitution as a result will be brought to Council for approval.

Other changes worth noting relate to the Overview and Scrutiny process. The Governance Review Group met on four occasions and as a result new Scrutiny proposals for the Committees have evolved which reflect the corporate priorities, the proposals are contained within the Appendix.

The Governance Review Group also proposes the addition of a new Article - 10A to the Constitution, a Committee to deal with the appointment of Alderman and Freeman nominations.

The remaining changes are mainly a tidying up of clauses etc normally done at this time of year.

**Implications of this report**

The suggestions contained in this report are intended as a pragmatic approach to improve and enhance the Council’s democratic processes.

There are no financial implications.

<b>Background Papers:</b>	The Council’s Constitution
	The Localism Act 2011 <a href="http://www.legislation.gov.uk/ukpga/2011/20/contents">http://www.legislation.gov.uk/ukpga/2011/20/contents</a>

If Members would like further information or clarification prior to the meeting please contact Jane Hackett on 709 258

**Appendix 1**

**PROPOSED CHANGES TO THE CONSTITUTION**  
(as tracked)