

# Agenda Item 6

## Audit and Governance Committee

19 June 2013

### REPORT OF THE SOLICITOR TO THE COUNCIL AND MONITORING OFFICER

#### Proposed Changes to the Constitution and Scheme of Delegation

#### EXEMPT INFORMATION

None

#### PURPOSE

To consider (1) the proposals put forward in relation to the Constitution and Scheme of Delegation at Council on 16 May 2013 AND  
(2) any proposed amendments arising therefrom

#### RECOMMENDATIONS

**It is recommended that the Committee**

**(1) consider all of the proposals for amendment to the Constitution and Scheme of Delegation and**

**(2) whether to propose to Council that they be approved**

#### EXECUTIVE SUMMARY

Article 15 of the Constitution provides *inter alia* that changes to the constitution will only be approved by the full Council after consideration of the proposal by the Solicitor to the Council and the Audit and Governance Committee. The Authority has a duty to promote and maintain high standards of governance and exercise all its powers and duties in accordance with the law. The Constitution and Scheme of Delegation assist this process accordingly the Audit and Governance Committee has been asked to recommend to full Council the amendments made as per the appendices attached to this report.

#### RESOURCE IMPLICATIONS

The amendments as required to the Constitution and the Scheme of Delegation ensure that the authority operates *intra vires* and implementation will be carried out as part of the duties of the Council and staff with no additional resource implications for the Authority.

#### LEGAL/RISK IMPLICATIONS BACKGROUND

To have a Constitution that is not fit for purpose could lead to the Council making decisions that would be *ultra vires*. In addition an effective Scheme of Delegation provides officers with the required functionality to ensure that the Council's obligations under statute are fully met.

#### EQUALITY IMPLICATIONS

An Equalities Impact Assessment is not required in this instance. In approving the recommendations it is envisaged that the citizens of Tamworth will benefit from robust governance which supports the active involvement of citizens in the process of local authority decision making and an open and transparent delegation regime for its officers.

## **BACKGROUND INFORMATION**

Each year at the first business meeting of the Council the Constitution and Scheme of Delegation as reviewed require to be adopted to ensure probity and legal compliance. On 16 May 2013 it was agreed that the current Constitution and Scheme of Delegation be re-adopted until the Council meeting of 25 June 2013. This allowed a seminar and workshop to take place on the changes made to the Constitution, following which the Council can then debate the new Constitution. The Council will also consider the recommendations of Audit and Governance Committee and the re-adoption of the Scheme of Delegation as revised.

## **REPORT AUTHOR**

Jane M Hackett Solicitor to the Council and Monitoring Officer Tel: 709258 if you would like further information or clarification prior to the meeting

## **LIST OF BACKGROUND PAPERS**

Local Government Act 1972  
Localism Act 2011

## **APPENDICES**

- Appendix 1: Draft Constitution and Scheme of Delegation as tabled at the Council meeting on 16 May 2013. As per link on "S" drive circulated to members
- Appendix 2: Solicitor to the Council's comments in relation to the proposed changes to follow.
- Appendix 3: List of proposed amendments to the Draft tabled at the Council meeting on 16 May 2013 to follow