

## Council

10 September 2013

### REPORT OF THE LEADER AND 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 discussed at the training event on 27 August 2013
- (2) the proposals put to Audit and Governance Committee
- (3) endorse the agreed changes to the Constitution and Scheme of Delegation
- (4) adopt and approve the Constitution and Scheme of Delegation as presented in the Appendix 1 to this report,

#### RECOMMENDATIONS

**It is recommended that the Council**

- (1) endorse the changes to the Constitution and**
- (2) adopt and approve the revised Constitution and Scheme of Delegation as presented in the Appendix to this report.**

#### EXECUTIVE SUMMARY

At the Council meeting on 16 May 2013 the current Constitution and Scheme of Delegation was re-adopted until the Council meeting of 25 June 2013 to enable members to attend a workshop to consider the changes to the documents. A copy of the Constitution was made available for members to peruse prior to the training event and is attached at Appendix 1. Further in terms of Article 15 changes to the Constitution were referred to the Solicitor to the Council and the Audit and Governance Committee for consideration. The said changes were considered on 19 June 2013 and thereafter discussed at the training event on 27 August 2013 along with party proposals. The proposals not subject of agreement being referred back to Council for debate and final approval of the Constitution and Scheme of Delegation to follow therefrom .

#### RESOURCE IMPLICATIONS

The amendments as required to the Constitution and Scheme of Delegation ensure that the Council 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**

At the Council meeting on 16 May 2013 the current Constitution and Scheme of Delegation were re-adopted until the Council meeting of 25 June 2013 to enable members to attend a training seminar in relation to the Constitution and to peruse the amended Constitution.

In terms of Article 15 paragraph 15.02 the proposed changes had to be first considered by the Solicitor to the Council and the Audit and Governance Committee. Accordingly the proposals considered by the Solicitor to the Council and Audit and Governance Committee on 19 June 2013 were reported to Council and considered at the training event on 27 August along with party proposals. The Constitution as attached at Appendix 1 now takes account of the governance carried out in relation thereto. There remains the outstanding proposals for debate, attached at Appendices 2 a & b, following which the Constitution as agreed amongst members will be adopted and applied forthwith.

## **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: link to the Constitution  
<http://democracy.tamworth.gov.uk:9071/ecCatDisplay.aspx?sch=doc&cat=13066&path=0>

Appendices 2 a & b : proposals outstanding