

## AUDIT AND GOVERNANCE COMMITTEE

26 JUNE 2014

### 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 the proposals put forward as amendments to the Constitution and Scheme of Delegation at Council on 5 June 2014 in terms of Article 16 paragraph 2.16.2

##### RECOMMENDATIONS

**It is recommended that the Committee consider the proposals put forward as amendments to the Constitution and endorse same.**

##### EXECUTIVE SUMMARY

Article 9 of the Constitution provides *inter alia* that the Audit and Governance Committee maintain an overview of the Council's Constitution. Article 16 requires *inter alia* changes to the constitution to be approved by full Council subject to consideration of any proposals in relation thereto by the Solicitor to the Council and the Audit and Governance Committee.

Under the Localism Act the Authority remains under 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 endorse the amendments made as per the appendix 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, the Solicitor to 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 Constitution and Scheme of Delegation provides the mitigating action necessary to ensure that the Council's legal obligations are met and further 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 5 June 2014 it was agreed that the Constitution and Scheme of Delegation be adopted with the amendments proposed as attached to the Appendix to this report subject to endorsement by Audit and Governance Committee as required in Articles 9 and 16 of the Constitution,

## **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 as tabled at the Council meeting on  
5 June 2014.

<http://democracy.tamworth.gov.uk/documents/s8810/Draft%20Constitution%2012th%20Edition%202014.pdf>