

CONSTITUTION COMMITTEE – 18 JUNE 2003

REPORT OF THE CHIEF EXECUTIVE

**REVIEW AND REVISION OF THE CONSTITUTION AND AUTHORISATION
OF OFFICERS**

Purpose

1. The purpose of this report is to recommend changes to the County Council's Constitution in the light of experience and to update the list of officers authorised to sign and seal documents.

Background

2. Article 15 of the County Council's Constitution gives the Chief Executive a duty to monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. It requires that changes to the document should only be approved by the full County Council after consideration of the proposal by the Chief Executive and the Constitution Committee. In the case of everything except the Meeting Procedure Rules the final decision on changes can be made at a single meeting of the County Council. However, in the case of the Meeting Procedure Rules any motion to add, to vary or revoke Standing Orders must, having been proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.
3. This report concerns the second review of the Constitution since it came into effect in June 2001. As with the first review last year, it proposes a number of relatively minor changes, mainly responding to developments which have occurred recently and experience in operating what are still relatively new ways of working.
4. Further changes will be necessary to reflect such arrangements which the County Council decides to put in place relating to scrutiny of the health service. However, these are still the subject of discussions and will need to be determined in consultation with other local authorities in the area.
5. The detailed proposals resulting from the present review are set out in Appendix A to this report together with an explanation as to why it is considered that change is necessary.

6. The two most significant changes are as follows:-

(a) Cabinet Support Members

The Administration has decided that it would improve the efficiency and effectiveness of the Cabinet if those Cabinet Members with the heaviest workload were able to call upon the support and assistance of other members. The Leader outlined these proposals at the meeting of the County Council on 21st May 2003, indicating that it was proposed to appoint three such members. He also indicated that it would be appropriate to formalise the position by making any necessary adjustments to the Council's Constitution, at the earliest opportunity, and to invite the Council to make the proposed appointments. The Government's Guidance on New Councils Constitutions stresses that no formal substitution of executive members or co-option to the executive is allowed. However, it recognises that executives may invite people to attend its meetings and speak on behalf of an absent member of the executive, that such a role might help provide an effective link between the executive and other councillors and that it could provide an effective developmental role for such members.

Where such roles are adopted the Secretary of State has advised that it would be inappropriate for such member also to be members of Overview and Scrutiny Committees dealing with matters on which that person has assisted the executive. The proposal set out in the Appendix goes further and provides that Cabinet Support Members should not be entitled to serve on any Overview and Scrutiny Committee, to avoid any suggestion of a conflict of interest.

A proposed "job description" for Cabinet Support Members is attached as Appendix B to this report. This has been prepared to help in the establishment and development of these positions. It is not the intention that this should form part of the Constitution, which does not contain any specific job descriptions for members.

(b) Chairmanship of Scrutiny Committees

The process for nominating for Chairmanship of scrutiny bodies is set out in the Schedule to the Overview and Scrutiny Procedure Rules and has operated since the Constitution was adopted in 2001.

Whilst the process has operated relatively smoothly, concerns have been expressed by members that there is a danger, in practice, of the Chairmanship of the most popular Scrutiny Committees being held continuously by a particular Group and that this was not desirable. As a result, this matter is being

drawn to the attention of the Committee in order that the process can be reviewed.

Appendix A sets out a proposed amendment to the process, the effect of which would be that Chairmanship of the most “popular” Scrutiny Committee would change after two years unless there was agreement across all Groups on the Council to waive the requirement.

Authorisation of Officers

6. The County Council is required by various statutes to designate an officer as the “proper officer” to be responsible for particular duties. These duties are mainly exercisable by the Chief Executive and County Solicitor, who also have other delegated powers, for example to enter into contracts and seal documents. In relation to these powers the County Council has authorised a number of other officers to act on behalf of the Chief Executive and the County Solicitor. This list now requires updating to reflect the present structure and titles within the Chief Executive’s Department. The details are set out in the recommendation which appears below.

Equal Opportunities Implications

7. None.

Recommendation

8. That the County Council be recommended:-
 - (a) to approve the proposed changes to the Constitution as set out in Appendix A to this report;
 - (b) to agree in respect of the proper officer functions and other delegated powers and functions allocated to the Chief Executive and County Solicitor, that the following officers be authorised to act in their absence:-

County Solicitor (in the absence of the Chief Executive)
Assistant Chief Executive (Corporate Support)
Assistant Chief Executive (Community Planning)
Head of Democratic Services and Administration
Head of Human Resources
Head of Legal Services

Background Papers

None.

Circulation under Sensitive Issues Procedure

None.

Officer to Contact

David Pitt Tel: 0116 265 6034