

REPORT OF THE CONSTITUTION COMMITTEE

A. REVIEW AND REVISION OF THE CONSTITUTION

Introduction

1. This report concerns the results of the latest review of the Council's Constitution, taking into account changes in legislation and in the Council's structure and practices.

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 proposals by the Chief Executive and the Constitution Committee or, in the case of the Financial Procedure Rules and Contract Procedure Rules, the recommendations of the Corporate Governance Committee. The annual review of the Contract Procedure Rules will be reported to the County Council in December 2014.
3. 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.
4. The Constitution came into effect in June 2001 and is reviewed on an annual basis. This report sets out the results of the latest review, attached as Appendices A and B to this report.
5. The majority of the changes are not particularly significant. The Council's attention is drawn to the following:-

Health and Wellbeing Board

6. The terms of reference for the Health and Wellbeing Board have been amended to reflect the decision taken by the Cabinet in February to delegate the function of approving the Better Care Fund and Plans arising from its use.

Panels

7. The list of Panels included in Section E of Part 3 of the Constitution, Responsibility for Functions, has been amended to reflect the creation of three new Panels for Children's Social Care. These Panels have been created to improve accountability and member oversight of the whole range of children's social care services and have replaced the Children's Community Homes Monitoring Panel.

Voting

8. The Meeting Procedure Rules have been amended to reflect the new legislative requirement that a recorded vote must be taken at the budget meeting of the County Council on any motion or amendment which affects the precept set by the County Council.

Rights to Attend Meetings

9. The Access to Information Procedure Rules have been amended to permit members of the public to report on procedures at public meetings, including by recording the meeting or commentating on social media. This reflects new legislation.

Plans and Strategies forming the Policy Framework

10. The list of plans and strategies forming the Policy Framework has been reviewed to ensure that it reflects both current legislation and current practice within the County Council. Those Plans or Strategies which are no longer required have been removed from the list and it is suggested that those Plans or Strategies which are reviewed on an infrequent basis are determined by the Executive rather than reported to full Council. Overview and Scrutiny Committees would still be expected to be involved in the review of these Plans.

Recommendations of the Constitution Committee

11. The recommendations of the Constitution Committee are contained in the motion which appears below.

(Motion to be moved:-

Motion 1

- (a) **That the proposed changes to the Constitution, as set out in Appendices A and B to this report, other than those**

which relate to Standing Orders (the Meeting Procedure Rules), be approved;

- (b) That the list of meetings determined for the purposes of Standing Order 34(2) be amended to read as follows:-

*“Adoption Panel;
Appointment Committee (Chief Officer);
Approval of Premises Panel (Civil Marriages);
Children’s Social Care Panel
Children in Care Panel
Child Protection Panel
Complaints Panel (School Curriculum and Religious Education);
Disputes Panel;
Fostering Panel;
Guardianship Panel;
Member Conduct Panel;
Member Reference Panel on Quality and Safeguarding in Registered Care;
Representations Panel (Independent providers of adult social care);
Secure Accommodation Review Panel.”*

Motion 2 – Procedural Motion in accordance with Standing Order 37

“That the changes to Standing Orders (The Meeting Procedure Rules), as set out in Appendix A to the report of the Constitution Committee, be approved.”

(NOTE Standing Order 37 requires that this procedural motion, having been moved and seconded, stands adjourned until the next ordinary meeting of the Council.)

9 September 2014

N R Rushton
Chairman

Background Papers

Report to the meeting of the Constitution Committee on 9 September 2014 on Review and Revision of the Constitution.

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