

Cheltenham Borough Council
Council – 11th October 2010
Review of Council Constitution

Accountable member **Cabinet Member, Councillor Colin Hay**

Accountable officer **Borough Solicitor, Sara Freckleton**

Accountable scrutiny committee **E B & I**

Ward(s) affected **None specifically**

Executive summary The report sets out the changes in circumstances which have occurred since March 2010 when it was envisaged by the Council that the Constitution would be comprehensively reviewed to include any changes arising from the implementation of the approved Action Plans. The specific changes, which are likely to have a significant impact on the drafting of the Constitution, include the Council's decision in June to agree the principles of the Chief Executive's Strategic Commissioning report and its decision in July to seek the Government's agreement that it should not be required to undertake a review of its Executive arrangements at this time.

Consequently the Constitution Working Group, set up to carry out the review considers that the comprehensive review should await the outcome of the decisions referred to above and would intend to complete the review in time for commencement of the next municipal year in May 2011. However, the Constitution Working Group will, in respect of the requirements of the approved Council Action Plans, report to the Staff & Support Services in October and Council in December 2010 as originally intended. Therefore, the Council can be assured that the Action Plans will be implemented notwithstanding the recommendation to defer the comprehensive review.

Recommendations **That the Council notes the current position on the comprehensive review of the Constitution and approves the revised timetable**

Financial implications	<p>None directly arising from this report.</p> <p>The council is in the process of finalising the agreement to the GO project for the procurement and implementation of a shared Enterprise Resource Planning (ERP) system with Cotswold and West Oxford councils plus Forest of Dean District council. In order to maximise the potential of the system and drive out savings, it is important that the 4 councils standardise processes and workflow within the system as much as possible. This will involve the collaboration in agreeing level of authorisation which will inevitably involved reviewing the constitutions of the councils. Rather than duplicate this work, it is considered to be more effective to undertake this work once as part for the implementation plan for the ERP system. The work on freedoms and flexibilities is also linked to the GO project.</p> <p>Contact officer: Mark Sheldon, mark.sheldon@cheltenham.gov.uk, 01242 264123</p>
Legal implications	<p>None directly arising from this report.</p> <p>Contact officer: Sara Freckleton, sara.freckleton@teWKesbury.gov.uk, 01684 272011</p>
HR implications (including learning and organisational development)	<p>None directly arising from this report.</p> <p>Contact officer: Amanda Attfield, Amanda.attfield@cheltenham.gov.uk, 01242 264186</p>
Key risks	<p>The deferral of the comprehensive review of the Constitution will not adversely affect corporate risks. The report of the Constitution Working Group to S&SSC and Council in October and December respectively, will support the mitigation of risk CR1 on the corporate risk register in that it will incorporate relevant recommendations arising from the KPMG public interest report and associated Working Group report.</p>

1. Background

- 1.1 On 22nd March 2010 the Council approved Action Plans to address recommendations from the Report in the Public Interest issued by KPMG and from the Review Working Group set up to consider various aspects of the Council's employment procedures.
- 1.2 A number of items within the approved Action Plans require consideration for possible amendments to various aspects of the Council's Constitution and therefore the opportunity was to be taken for a comprehensive review of the Constitution by the Constitution Working Group and the Borough Solicitor .
- 1.3 The Constitution has not been comprehensively reviewed since 2005, although amendments to individual parts of the Constution have occurred where necessary.

2. Constitution Working Group

- 2.1 The Constitution Working Group of three members (Councilolrs Les Godwin, Colin Hay and Duncan Smith) was formed by the Staff & Support Services Committee and has commenced its work including consultation with all Members and the Senior Leadership Team to inform its review.

2.2 There have been significant changes in circumstances since the Council meeting on the 22nd March, which are as follows:-

2.2.1 The decision of the Council on the 28th June 2010 in response to the Chief Executive's report on Strategic Commissioning that "Council confirms its agreement to the principles put forward in this report"

2.2.2 The uncertainty as to whether or not the Government will accept the Council's submission that, in the light of the current budget situation and of the Government's intention to review democratic processes, it should not be required to undertake a review of its Executive arrangements by 31st December 2010. Following the Council's decision on the 26th July 2010 to write to the Secretary of State in this regard, the Chief Executive has written as required, but no response has, to date, been received.

2.3 In addition, the Working Group is of the view that the Council should review its arrangements for overview and scrutiny to ensure that these are fulfilling their purpose and function of developing/reviewing policy and of holding the executive to account. The overview and scrutiny arrangements may also be affected by the Government's review of democratic processes through its Localism and Decentralisation proposals.

2.4 In recognition that the outcome of decisions on the above will have a significant impact upon the drafting of the Constitution and subject to paragraph 2.5 below, the Constitution Working Group is recommending that the Council defers the comprehensive review of the Constitution pending decisions on the matters set out in 2.2.1 and 2.2.2 above. It is suggested that the Working Group should continue its work in readiness for decisions to be taken with the aim of comprehensively reviewing the Constitution in time for the commencement of the municipal year 2011/12 (May 2011).

2.5 Notwithstanding the above comments in respect of the comprehensive review of the Constitution, the Council should be assured that the Constitution Working Group is proceeding with the review of those aspects of the Constitution which are the subject of the approved Action Plans and will report to the Staff & Support Services Committee on 28th October and to Council on the 13th December 2010

3. Reasons for recommendations

3.1 To ensure that the comprehensive review of the Council's Constitution is undertaken to take into account changes arising from Council decisions on Strategic Commissioning and possible review of its Executive arrangements.

4. Alternative options considered

4.1 The Working Group considered pursuing the comprehensive review as originally intended, in advance of the potential changes set out above, but concluded that this was not the best use of its resources at this time.

5. Consultation and feedback

5.1 The Constitution Working Group has undertaken a consultation exercise with all Members of the Council and with the Senior Leadership Team regarding various aspects of the Constitution. This will inform the comprehensive review of the Constitution and also the report to Staff & Support Services Committee in October 2010.

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Appendices	None.
Background information	None.