

Cheltenham Borough Council

Council – 27th June 2011

Constitution Working Group update on the Review of the Constitution

Accountable member	Corporate Services – Colin Hay
Accountable officer	Borough Solicitor
Accountable scrutiny committee	E.B. & I
Ward(s) affected	None specifically
Key Decision	No
Executive summary	<p>This report advises members on the proposed timescale for the review of the Constitution. The review was commenced last year but was deferred pending the outcome of various matters which will have an impact upon the drafting of the Constitution, including the Council's decision in December 2010 on strategic commissioning and the approval of a new management structure. At that meeting the Council also approved amendments to the Constitution to address actions identified by the Council to respond to recommendations in the Public Interest Report. Amendments to the Officer Delegation Scheme in Part 3H of the Constitution have also been made under authority delegated to the Borough Solicitor to ensure that the Scheme is consistent with the new management structure which was implemented in April 2011.</p> <p>The Constitution Working Group has now resumed its work and intends to complete the review by October 2011. This timescale reflects the need for the Financial Rules to be amended in collaboration with the Council's partner authorities in the GO project.</p>
Recommendations	The Council is asked to note that amendments have been made to the Officer Scheme of Delegation and to approve the timescale for the comprehensive review of the Constitution.
Financial implications	<p>None directly arising from this report.</p> <p>The creation of a standardised set of financial rules (with any local variations as appropriate) across the participating authorities in the GO project will support cross working across authorities, assist in the standardisation of the ERP system build and process redesign which will ultimately help to drive out the savings estimated in the business plan.</p> <p>Contact officer: Mark Sheldon, mark.sheldon@cheltenham.gov.uk, 01242 264123</p>

Legal implications	Contained in the report. Contact officer: Sara Freckleton , sara.freckleton@teWKesbury.gov.uk . 01684 272011
HR implications (including learning and organisational development)	None directly arising from this report. Contact officer: Julie McCarthy, julie.mccarthy@cheltenham.gov.uk, 01242 264355
Key risks	See attached risk assessment.

1. Background

- 1.1** A comprehensive review of the Council's Constitution was commenced last year BOTH to address the Council's Action Plan approved in March 2010 and also to recognise the fact that the last full review of the Constitution was in 2005.
- 1.2** In December 2010, the Council approved a number of amendments to the Constitution which were deemed to be necessary to satisfy the Council's Action Plan. However, the Council had resolved in October that the comprehensive review would be deferred pending resolution of matters which would have a bearing on the drafting of the Constitution, including the decision on the strategic commissioning proposals and the consequential management restructure.
- 1.3** Part 3 of the Constitution sets out the Responsibility for Functions (Scheme of Delegation to Cabinet, Committees and Officers). The Officer delegation (Part 3H) has recently been amended by the Borough Solicitor (April 2011) as required by the Constitution, in order to give effect to be implemented in April 2011 of the revised Management Structure as approved by the Council (December 2010).
- 1.4** The Constitution which is available on the Council's website includes the amendments which were approved by the Council in December and also those referred to in paragraph 1.4 above.
- 1.5** The Constitution Working Group has now recommenced work on the review. The areas being considered include
- The Responsibility for Functions. Part 3 is being comprehensively reviewed including the Officer Delegation Scheme.
 - The Council Committee and Cabinet Procedure Rules. Part 4 is being reviewed including the Financial and Contract Procedure Rules.

As Members are aware, the GO project involving the Council and its other partners (Cotswold, West Oxford and Forest of Dean) is nearing first stage implementation and it is intended that, as far as is possible, the Financial Rules to which the participating authorities work are consistent (with any local variations as appropriate). It is considered that the update will be completed in time for approval by the partner Councils in September/October 2011.

2. Reasons for recommendations

- 2.1** To advise members on the changes which have taken place to the Constitution and on the proposed timescale for completion of the comprehensive review.

3. Alternative options considered

- 3.1** The Working Group considered whether it should proceed with the review ahead of the proposed

revision of the Financial Rules but concluded that this would be a “piecemeal” rather than comprehensive review which would not make best use of the available resources.

4. Consultation and feedback

4.1 Council may recall that consultation took place with all Members and with the Senior Leadership Team last year and the responses will be taken into account within the review. If Members wish to make any further observations or comments on the Constitution, particularly any suggestions for amendment, then these can be made to any member of the Constitution Working Group (Councillors Les Godwin, Colin Hay and Duncan Smith) or to the Borough Solicitor/ Monitoring Officer. The Working Group will be meeting on a number of occasions between now and the beginning of October and would welcome any input from Members to inform the review.

Report author	Contact officer: Sara Freckleton, sara.freckleton@teWKesbury.gov.uk, 01684 272011
Appendices	1. Risk Assessment
Background information	<ol style="list-style-type: none"> 1. Report and Minutes of Council dated 22nd March 2010 2. Report and Minutes of Staff & Support Services Committee dated 29th July 2010 3. Report and Minutes of Standards Committee dated 9th July 2010 and 17th September 2010 4. Report and Minutes of the Council of 11th October 2010 5. Report and Minutes of the Staff & Support Services Committee of the 28th October 2010 6. Report and Minutes of the Council of 13th December 2010

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	I	L	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	Legal risks of challenge to decisions and processes arising through occasional but not comprehensive review	Borough Solicitor	6/6/11	3	1	3	Reduce	Comprehensive review of constitution is being undertaken	12/10/11	Borough Solicitor	