

# **AGENDA ITEM 19: APPENDIX N**

## **WAVERLEY BOROUGH COUNCIL**

### **CONSTITUTION SIG – 17 JANUARY 2014** **EXECUTIVE – 4 FEBRUARY 2014**

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#### **Title:**

#### **AMENDMENTS TO THE CONSTITUTION AND SCHEME OF DELEGATION**

**[Portfolio Holder: Cllr Robert Knowles]**

**[Wards Affected: N/A]**

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#### **Summary and purpose:**

The current Constitution was adopted in May 2011 following the adoption of a new Leader and Executive model and changes were made to the Executive decision-making arrangements. Since it was last reviewed a number of procedural issues have been raised and improvements suggested to make the Constitution more streamlined.

The Constitution is attached at Annexe 1 and changes highlighted for Members consideration. Changes to the constitution will be recommended to the Council for approval on 18 February 2014.

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#### **How this report relates to the Council's Corporate Priorities:**

The purpose of the changes to the Constitution is to contribute to more effective and decisive decision-making (for all corporate priorities).

#### **Financial Implications:**

There are no direct financial implications arising from the report although the changes may result in more efficient decision-making at Waverley.

#### **Legal Implications:**

There are no direct legal implications arising from the report.

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#### **1. Introduction**

- 1.1 Section 37 of the Local Government Act 2000 requires the Council to prepare, keep up to date and publicise a Constitution.
- 1.2 The current Constitution was originally adopted in 2001, as the Council moved from the Committee system to an Executive model of governance with a Leader and Executive responsible for Executive functions. The Constitution was based upon the guidance and model developed by the Department for Transport, Environment and the Regions and the Local Government Association.

1.3 Since then, the Constitution has been revised to reflect additional requirements and duties from a range of legislation and guidance, including:

- Licensing Act 2003
- Gambling Act 2005
- Local Government and Public Involvement in Health Act 2007

1.4 Since it was last reviewed in 2011 a number of procedural issues have been raised and improvements suggested to make the Constitution more streamlined.

## **2. Proposed Revisions**

2.1 A revised constitution is attached as Annexe 1 to this report, showing the proposed changes as 'track changes'. There are a number of minor changes to job titles and the main changes are summarised below:

- The call-in procedure could be more robust and needs strengthening, particularly with the addition of a requirement for councillors to give reasons for a call-in;
- Deleting Part 2 in Minutes which is never used and having two new sections Part 1 – Recommendations and Part 2 – Resolutions and matters for information;
- Revisions to the urgency procedures clarifying the procedure and including reference to urgency procedures not applying to areas such as access to information;
- Time allocated to speak at Committees not just Council meetings being 4minutes and clarification that the Procedure Rules apply to council meetings, Committee meetings and Panels; and
- the Scheme of Delegation for items to be considered by the Joint Planning Committee; and
- the proposal that authority be delegated to the Head of Policy and Governance to keep the list of plans and strategies within the Policy Framework under constant review and up-to-date.

## **3. Review of Overview and Scrutiny Arrangements**

3.1 The SIG received a paper at Annexe 2 setting out a proposal to review the Overview and Scrutiny arrangements that have been operating for some time now, with a view to maximising the benefits of overview and scrutiny and making the processes more robust. The SIG was supportive of a review being undertaken by officers.

## **4. Scheme of Delegation**

4.1 There are a number of updates to the Scheme of Delegation in relation to Environmental Health and Housing, largely because of changes in legislation. Any changes to the Scheme of Delegation need to be approved by the Council and attached at Annexe 3 is a revised copy of the Scheme.

4.2 There are also a number of changes to job titles/descriptions resulting from the recent management restructure and authority is already given to the Executive Director to action these. The changes are however shown in the document for clarity of where changes have been made.

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### **Recommendation**

It is recommended to the Council that

1. the proposed changes to the Constitution, as set out at Annexe 1, be adopted;
2. authority be delegated to the Head of Policy and Governance to keep the list of plans and strategies within the Policy Framework updated;
3. the changes to the Scheme of Delegation, as set out at Annexe 3, be adopted; and
4. the Executive is recommended to give approval to a review of the Overview and Scrutiny arrangements being undertaken, as proposed in Annexe 2.

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