

Report to ANNUAL MEETING OF COUNCIL

Constitution Report

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Reason for Decision

To invite the Annual Meeting of the Council to consider amendments to the constitution and to re-affirm the Council Constitution as a matter of good governance

Recommendations

That the Council re-affirms the Council Constitution, subject to the inclusion of revisions as identified in this report or any further matters that might be agreed at this Annual Meeting.

Constitution Report

1. Introduction

The Constitution is reviewed regularly to ensure it is fit for purpose. The main areas which it is recommended for amendment are:

a) Terms of reference of committees

Officers have reviewed the terms of reference of the Licensing and Appointments Committees and the Traffic Regulation Order Panel and amendments are recommended in Appendix 1 which includes for completeness all the terms of reference. If an earlier report on this agenda relating to the composition of committee sizes is approved, paragraph 4 of Appendix 1 reflects the recommended changes. The Licensing Committee terms of reference in the Licensing Panel functions section have been clarified. The Traffic Regulation Order Panel functions have been detailed where considered necessary to statutory powers. The Appointment Committee terms of reference have been clarified. It is also proposed that the Traffic Regulation Panel be renamed as the Highway Regulation Committee to reflect the various functions as undertaken by that committee which do not relate to traffic regulation matters.

b) Scheme of Delegation for officers

Subsequent to organisational changes, the reference to officer functions in Article 13 and in Part 3 require amendment and relevant extracts are contained in Appendix 2. In addition the Constitution requires updating to refer to the Assistant Chief Executive as the Statutory Scrutiny Officer.

c) Reports to decision makers

Benchmarking has been undertaken with other authorities with regard to information contained in reports and our reports contain a significantly larger number of specific headings to be completed. It is recommended that reports should include specific Finance, Legal and Equality Impact (including implications for Children and Young People) considerations with reference to other corporate matters within the body of the report. The proposed amendments to the Access to Information Rules contained in Appendix 3

d) Executive decisions

Under the Leader and Cabinet model of governance, key executive decisions may be made by executive members. A key decision is defined in the Constitution as including any decision where the expenditure or savings are over £250k. This has been the threshold for a key decision for many years but it is proposed that this threshold is maintained, notwithstanding that many local authorities have increased the figure. Call -in may be made of key decisions and it is proposed that this should also cover any non key decisions made by executive members. It is recommended that all key decisions should be made by Cabinet. There are a number of areas in the Constitution where this is referred.

e) Policy Framework

The Policy Framework within Article 4 has been reviewed and updated and is revised in Appendix 4.

f) Council Procedure Rules

The Council Procedure Rules have been reviewed based on good practice in other authorities and experience at meetings. The proposed recommendations amendment are :

- (i) Consideration of motions- Rule 12.3 – it is proposed that a new provision is included that if notice is given of any motion which in the opinion of the Chief Executive, in consultation with the Mayor and Monitoring Officer is out of order, illegal, irregular or improper then it can be not accepted on the agenda.
- (ii) Rule 34 – clarifying that powers of chairs of committee are the same as those as mayor as chair

The recommended revised Council Procedure Rules are contained at Appendix 5.

2 Options/Alternatives

- 2.1 Option 1 – To re-affirm the Council Constitution with amendments as outlined.
Option 2 – Not to agree to re-affirm the Council Constitution.

3 Preferred Option

- 3.1 Option 1 is the preferred option to ensure that the Council's governance framework remains valid and the Constitution can be relied upon in law.

4 Consultation

- 4.1 Discussions have taken place with members and officers.

5 Financial Implications

- 5.1 N/A

6 Legal Implications

- 6.1 Legal comments are provided in the body of the report.

7 Co-operative Implications

- 7.1 N/A

8 Human Resource Implications

- 8.1 N/A

9	Risk Assessments
9.1	N/A
10	IT Implications
10.1	N/A
11	Property Implications
11.1	N/A
12	Procurement Implications
12.1	N/A
13	Environmental and Health & Safety Implications
13.1	N/A
14	Community cohesion, including crime and disorder implications in accordance with Section 17 of the Crime and Disorder Act 1998
14.1	N/A
15	Oldham Equality Impact Assessment, including implications for Children and Young People
15.1	No
16	Key Decision
16.1	No
17	Key Decision Reference
17.1	No
18	Background Papers
18.1	None
19	Appendices
19.1	Appendix 1 – Terms of Reference Appendix 2 – Scheme of delegation to officers Appendix 3 – Extract from Access to Information Rules Appendix 4 – Extract from Article 4 on Policy Framework Appendix 5 – Council Procedure Rules
