

Key Decision Required:	NO	In the Forward Plan:	NO
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CABINET

10 NOVEMBER 2010

REFERENCE FROM CORPORATE MANAGEMENT COMMITTEE

A.2 ANNUAL REVIEW OF THE CONSTITUTION

(Report prepared by Ian Ford)

PURPOSE OF THE REPORT

To enable the Cabinet to give consideration to the comments made by the Corporate Management Committee on the proposed changes arising from the annual review of the Constitution.

To decide whether to amend those proposed changes in the light of the comments made by the Corporate Management Committee.

EXECUTIVE SUMMARY

Cabinet will recall that, at their meeting held on 29 September 2010, they agreed their proposed amendments to the Council's Constitution.

In accordance with Article 15 of the Constitution the Cabinet requested that the Corporate Management Committee be consulted on their proposals.

The Corporate Management Committee scrutinised those proposed amendments at their meeting held on 25 October 2010 and put forward for Cabinet's consideration the following comments:-

(1) Proposed Amendment No. 8 – proposed new Portfolio Holder responsibility 18 should be amended to read "Power to authorise and approve the grant of any lease of freehold land or premises owned by the Council." The responsibility for renewal, assignment, surrender (within the terms of the substantive lease) and amendment of leases should be delegated to Officers.

Reason: The Committee felt that there was a danger of micro-management by the Portfolio Holder and that the Portfolio Holder could find him/herself in a prejudicial position.

(2) Proposed Amendment No. 22 – proposed new CPR 15.5 Number of Questions should be amended to read "At any one meeting no Councillor may submit more than two questions."

Reason: The Committee felt that this was a more acceptable compromise bearing in mind that at present there is no limit on the number of questions that individual Members can submit.

(3) Proposed Amendment No. 22 – proposed new CPR 15.6 Scope of Questions should be amended to read “The Head of Legal Services may reject a question if in their judgement it is defamatory or offensive or requires the disclosure of confidential or exempt information.”

Reason: The Committee felt that their proposed wording would minimise the impact on the rights of Members whilst protecting the Council’s interest.

(4) Proposed Amendment No.24 – the proposed deletion from paragraphs (d) and (f) of O&SPR 16 (Call-In) of the need for the Executive to reconsider a referred-back decision “within a further 15 working days” should not be proceeded with.

Reason: The Committee felt that it was important that the Executive considered the Scrutiny Committee’s referral as soon as possible even if it meant that an extra formal meeting of the Cabinet had to be held.

The Schedule containing the Cabinet’s proposed changes to the Constitution is attached as an appendix to this report for Members’ reference.

RECOMMENDATION

That Cabinet give consideration to the comments made by the Corporate Management Committee and decide whether they wish to amend the proposed amendments to the Constitution arising from the annual review of the Constitution.

BACKGROUND PAPERS FOR THE DECISION

None.

APPENDICES

Schedule of proposed amendments to the Constitution agreed by Cabinet at their meeting held on 29 September 2010