

**GOVERNANCE AND AUDIT COMMITTEE
23 NOVEMBER 2010**

**AMENDMENT'S TO THE COUNCIL'S CONSTITUTION
(Director of Corporate Services – Legal)**

1 PURPOSE OF DECISION

- 1.1 This report seeks approval to amendments to the Council's Constitution which are proposed as a result of recent experience and in consequence of legislation.

2 RECOMMENDATION

- 2.1 **That Part 2 Section 3 of the Council's Constitution be amended as proposed by paragraph 4.3 of this report.**
- 2.2 **That Part 4 Section 8 of the Council's Constitution be amended as proposed by paragraph 4.5 of this report.**

3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 3.1 The Borough Solicitor is the author of this report.

Borough Treasurer

- 3.2 There are no financial implications directly arising.

Equalities Impact Assessment

- 3.3 Not relevant.

Strategic Risk Management Issues

- 3.4 Not relevant.

4 SUPPORTING INFORMATION

- 4.1 Regulations made under the Local Government Act 2000 determine which functions are matters for the Executive and those which are matters for full Council/Committees. The regulations prescribe that certain plan/policies must be approved by full Council. They also permit the Council to designate other plans or strategies which are to require the approval of Council.

- 4.2 The list of plans comprising the Policy Framework and requiring the approval of full Council are set out at Part 2 Section 3 of the Council's Constitution. The current list comprises the following:-

- Adult Learning Plan
- Children & Young Peoples Plan

- Sustainable Community Plan
- Corporate Plan
- Food Law Enforcement Plan
- Housing Strategy
- the Development Plan
- Local Transport Plan
- Safer Communities Strategy
- Youth Justice Plan
- such other plans or strategies as may be specified by the Council as part of the Policy Framework from time to time.

- 4.3 The “Corporate Plan” was formerly the “Annual Plan” which in turn was formerly the “Best Value Performance Plan”. Since 1st April 2008 the pleasure of being required to produce such a plan has been confined to local authorities in Wales and it is therefore proposed to delete the Corporate Plan from the list of policies. The Licensing Authority Policy Statement is required to be part of the Policy Framework and should therefore be included. Although not previously formerly designated as part of the Policy Framework, the Council’s Pay and Workforce Strategy is of such fundamental importance to the business of the Council, particularly given the potential implications of public expenditure cuts, that Corporate Management Team recommends that it be designated as part of the Policy Framework.

Overview and Scrutiny – Call In

- 4.4 The Council’s Overview and Scrutiny Procedure Rules are set out in Part 4 Section 8 of the Council’s Constitution. Those rules provide that Executive decisions made by Members or Key Decisions may be “called-in” for consideration by the Overview and Scrutiny Commission before they are implemented. The Commission cannot require the Executive to take a different decision but can ask the Executive to re-consider or alternatively the Commission can refer the matter to full Council which in turn can ask the Executive to re-consider.
- 4.5 Under the procedure rules a call-in is triggered if within five working days of publication of the Executive decision either:-
- (a) the Chairman and two Members of the Overview and Scrutiny Commission request a call-in;
 - (b) any five Members of the Council so request.
- 4.6 The first call-in for many years recently occurred in relation to the Site Allocations Policy Development Plan Document. As a result of the experience of that call-in it is considered that it would be of benefit to both Members and officers if those Members requesting the call-in gave a brief summary of their reasons for the request and the proposed decision which they desire the Commission to take. It is recommended that the Overview and Scrutiny Procedure Rules be amended accordingly.

Background Papers

None.

Contact For Further Information

Alex Jack, Borough Solicitor (01344) 355679

alex.jack@bracknell-forest.gov.uk

Doc Ref:

AIJ/f/reports/Governance and Audit Committee

23rd November 2010 – Amendments to Council's Constitution