

**COUNCIL
21 NOVEMBER 2001**

**LOCAL GOVERNMENT ACT 2000 – NEW CONSTITUTION
(Director of Corporate Services – Member & Registration Services)**

1 INTRODUCTION

There are a number of appointments to be made and other matters of an administrative nature to be dealt with to bring the new constitution into effect. These matters are detailed in the following agenda item for the Council meeting. The purpose of this paper is to set out the constitutional requirements and other background information to assist the Council in dealing with these matters.

2 ELECTION OF LEADER (ARTICLE 7.03 OF THE NEW CONSTITUTION)

The Council is required to elect one of the Councillors as Leader. Once elected, the Leader will hold office until the next annual meeting unless the circumstances described in Article 7.03 arise.

3 APPOINTMENT OF EXECUTIVE MEMBERS (ARTICLES 7.02 AND 7.04)

The Leader is required to appoint at least 2 but not more than 9 other Councillors who, together with the Leader, will form the Executive. Once appointed, Executive Members will hold office until the next annual meeting unless the circumstances described in Article 7.04 arise.

4 SCHEME OF DELEGATION (ARTICLE 7.06)

The Leader is required to maintain a list to be included at part 3 of the constitution which will set out the responsibilities delegated to individual members or committees of the executive. Executive and other responsibilities exercised by officers are already included in this part of the constitution. Regulations made under the Local Government Act 2000 provide that existing joint arrangements come to an end on one of the participating authorities moving to executive arrangements and therefore current joint arrangements will have to be reconstituted by the Executive.

5 ALLOCATION OF SEATS ON COMMITTEES AND APPOINTMENTS OF MEMBERS (ARTICLES 6, 8 AND 9)

Various committees to be appointed are set out in the constitution. Members are well aware of the requirement to follow the statutory processes derived from the Local Government and Housing Act 1989 in allocating committee seats to political groups on the basis of proportionality and to make committee appointments in accordance with the wishes of the political group to which each seat has been

allocated. A more detailed report recommending the appropriate allocations is included with this agenda as item 8 (e).

6 APPOINTMENT OF ADVISORY PANELS

Two panels are to be appointed to assist the Executive with specific functions namely Emergency Planning and School Performance. These panels are intended to carry on existing work but will not have any decision-making functions. Any decisions arising from their activities will either be taken by the Executive, an Executive Committee, an Executive Member or an officer who will continue to be accountable for such decisions. Draft Terms of Reference will be tabled at the Council meeting.

7 APPOINTMENTS TO OUTSIDE BODIES (PART 3 OF NEW CONSTITUTION)

Where strategic functions which are the responsibility of the Executive are undertaken through joint arrangements the Council should be represented by a member of the Executive with relevant responsibilities; this applies to substitute Members as well as full Members of a Joint Committee. Depending upon the Membership of the Executive announced by the Leader it may be necessary for the Council to make alternative appointments to Joint Committees.

8 OTHER MEMBER GROUPS

In addition to the formal committees identified in the new constitution there is a range of other member level groups which should be appointed either to fulfil statutory requirements or as a means of progressing significant issues. These groups are identified at agenda item 8 (g) and although formal reappointments are not strictly necessary, some adjustments to the existing membership would be appropriate and, in the interest of clarity, the Council is asked to endorse a comprehensive list of proposed members which will be circulated at the meeting. In addition, some adjustment to existing Terms of Reference is needed to reflect Executive Arrangements. Revised Terms of Reference are being prepared where necessary and will be available at the meeting.

Background Papers

None – published works only

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