

CONSTITUTION REVIEW GROUP RECOMMENDATIONS

ISSUE	RECOMMENDATION
ARTICLE 4 – Policy Framework	
Community Care Plan no longer produced	Delete and replace with Health Improvement Plans and other relevant plans/strategies
ARTICLE 6 – Overview and Scrutiny	<i>Recommendations now superseded by the review of overview and scrutiny arrangements</i>
Request by Chairman of Select Committee to rename to Social and Health Care Services and Housing	Defer pending government advice on scrutiny arrangements for health services. Overview and Scrutiny of collaborative working with Health Agencies is already written into the terms of reference of the Select Committee. The terms of reference were designed as cross-cutting. This is reflected in the current title and should not be potentially restricted by a direct link with the responsibility of the Executive Member.
Economic and Sustainable Development to be renamed Environment Select Committee	
No specific reference to traffic management, highways management and transportation in scope	Add to scope and to terms of reference
PART 3 – Responsibility for Functions	
<p>1. <i>Local Choice Functions.</i> Appeals listed as Council functions but are dealt with by an Executive Panel. These comprise non-statutory appeals against officer decisions on</p> <ul style="list-style-type: none"> • Discretionary Education grants • Home to school transport • Sale of amenity land 	Abolish Executive Appeals and Grants Panel and appoint an Appeals Committee of the Council. Voluntary grants to be dealt with by the appropriate Executive Member.
<p>2. <i>Council Functions.</i> Licensing and Safety Committee could exercise responsibilities of Emergency Planning Panel. It has not been necessary for the Panel to meet since September 2001.</p>	Transfer to functions of Licensing and Safety Committee – abolish Emergency Planning Panel <i>Emergency Planning is an Executive Function and cannot be transferred to a regulatory committee. The Panel need not be re-appointed in May.</i>

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Update responsibilities following Annual meeting	Public and Environmental Services: - delete air quality and contaminated land (also listed as Licensing and Safety function) - add Community Safety Strategy
APPENDIX – POWERS EXERCISABLE BY OFFICERS	
Delete item 2 (b)(iv)	This authorisation conflicts with Financial Regulations and the specific authorisation to the Assistant Director (Resources)
Limits on disposals out of date/inadequate as a result of increased land value and are not consistent with Executive delegations	<p>(1) The following amendments to the authorisations to the Assistant Director of Environment (Resources) are recommended:</p> <p>Dispose of the Court's interest in surplus land not exceeding 0.2 hectares or £500,000 subject to disposal having been previously agreed in principle by or on behalf of the Council or Executive.</p> <p>Acquire freehold interests in land, subject to the acquisition having been previously agreed in principle by or on behalf of the Council or Executive and the consideration not exceeding £500,000.</p> <p>(2) It is also necessary to adjust the framework for onward delegation of Executive powers accordingly by increasing the guidelines for disposals as follows –</p> <p>Less than 0.5 hectares or not exceeding £500,000 – Executive Committee</p> <p>In excess of 0.5 hectares or above £500,000 – whole Executive</p>
Table 1 – Chief Executive and Directors	
No authorisation to respond to government consultation papers	Add to General Powers in consultation with Executive Member when appropriate
Authorisation required for single tender actions	<i>This is now reflected in the new Contract Procedure Rules</i>

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Authorisation required for release of S106 Funds	Add to General Powers where included in Capital Budget
PART 4.2 ACCESS TO INFORMATION PROCEDURE RULES	
Requirement for 3 clear days notice to be extended to 5 clear days from 1 October 2002	Constitution was updated to reflect the new 5 clear days requirement when it was reprinted in July.
PART 4.3 BUDGET AND POLICY FRAMEWORK PROCEDURE RULES	
The timescale for consulting on policy framework items is lengthy and to reduce this it is suggested that it should be specified in Rule 3 that Executive Members will normally approve consultation drafts	Amend Rule 3 to enable Executive Member to approve initial budget/policy proposals for consultation
No provision for Leader to accept amendments to proposals required by full Council	Amend Rule 3 (h) to allow Leader to request short adjournment of Council meeting to consider amendments required and for the Council to consider on re-convening
PART 4.5 OVERVIEW AND SCRUTINY PROCEDURE RULES	These recommendations are superseded by the review of overview and scrutiny arrangements – but where appropriate have been incorporated in the revised Article 6 and Procedure Rules.
Lifelong Learning – Children and Parent Governor representatives are excluded from initiating “call-in”	Clarify that Children and Parent Governor representatives may initiate call-in in respect of education functions exercised by Executive
Call-in procedures restricted to Chairman and 2 members of Co-ordination Select Committee or any 5 members	Clarify that call-in can also be initiated by Chairman and any 2 members of relevant Select Committee
Decisions implemented in 7 working days but delays have occurred in publication	Amend time-scale so that decisions are implemented 5 working days after publication of decision
Executive may not know of decision call-in	Add requirement for proper officer to notify all Executive members
Environment Select Committee – Terms of reference include “maintenance of countryside areas”	Delete – falls within terms of reference of Select Committee on Lifelong Learning.

ISSUE	RECOMMENDATION	
PROTOCOL FOR DECISION MAKING		
The non-statutory requirement that an Executive Work Programme is published containing both key and non-key decisions has proved to be difficult to operate in practice. There is no exception procedure for non-key decisions currently	1.	Extend Exception and Urgency Procedures to Non-Key decisions in addition to key decisions
	2.	Abolish requirement to consult with Chief Executive in first instance
	3.	Make reference in protocol to using “best endeavour” to include all non-key decisions in Work Programme but accept that this is not always practicable