

COUNCIL	AGENDA ITEM 11 (i)
10 December 2008	PUBLIC REPORT

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REVIEW OF THE CONSTITUTION

RECOMMENDATIONS
FROM : SOLICITOR TO THE COUNCIL
<p>That the Council:</p> <ul style="list-style-type: none"> (a) approves and adopts the changes to the Constitution within the report subject to the changes to the Council Procedure Rules being implemented from 1 March, 2009; (b) approves the Mayor's and Deputy Mayor' Allowances; and (c) authorises the Monitoring Officer to make minor textual changes that improve the accuracy and clarity of the Council Procedure Rules and Civic Protocol.

1. ORIGIN OF REPORT

- 1.1 This report contains proposed changes to the Constitution for approval by the Council. It is submitted in accordance with the duty of the Monitoring Officer to monitor and review the Constitution as referred to in Article 14 of the Constitution.

2. PURPOSE AND REASON FOR REPORT

- 2.1 At its meeting on 23 September 2008, the Constitution Review Group agreed that two parts of the Constitution should be reviewed and updated:

1. The Council Procedure Rules; and
2. The Civic Protocol.

All political groups were invited to appoint representatives to serve on two Focus Groups that would examine the existing provisions and develop recommendations that could be submitted to Council. The proposed changes arising from this process are attached at **Appendices A and B**.

- 2.2 It is recognised that the next scheduled meeting of the Council is the Budget Meeting and that it would be helpful to delay the introduction of the new Council Procedure Rules until after this meeting. Therefore, it is recommended that the changes to these rules should be implemented with effect from 1 March, 2009.

- 2.3 The opportunity has also been taken to conduct a review of the Mayor's and Deputy Mayor's Allowances which have not been altered since 2003. There has been consultation with the Independent Remuneration Panel and the following recommendations are made:
1. The Mayor's Allowance be increased from £2000 to £2400 and the expenses budget be increased from £8000 to £9600;
 2. In addition, a Chairman's Allowance be paid to the Mayor equivalent to the special responsibility allowance paid to the Chairman of a Scrutiny Panel (currently £1712.70);
 3. The Deputy Mayor's Allowance be increased from £1500 to £1800 and the expenses budget be increased from £1500 to £1800; and.
 4. The above amounts should be index lined and increased at the start of each municipal year in accordance with the Local Government Association Daily Rate that is applied to the Council's Members' Allowances Scheme.

- 2.4 A miscellaneous change required elsewhere in the Constitution concerns Part 3, Section 3, Paragraph 3.3.7 (g) (Executive Functions - Delegations exercised by the Leader) This applies to funding for voluntary and not for profit organisations.. Currently, it doesn't explicitly refer to funding for sports related sponsorship for individuals and teams. Therefore, it is proposed to replace the existing wording of paragraph 3.3.7 (g) with the following wording:

'Funding for individuals and/or voluntary and not for profit organisations'.

3. ANTICIPATED OUTCOMES

The proposals for the Council Procedure Rules seek to provide a clearer structure with more flexible arrangements for Council meetings and those relating to the Civic Protocol are generally made to reflect current practices.

4. REASONS FOR RECOMMENDATIONS

- 4.1 It is useful to review the Constitution on a regular basis to ensure that it supports sound corporate governance.
- 4.2 The Council is required to approve any amendments to its Constitution.

5. ALTERNATIVE OPTIONS CONSIDERED

A benchmarking exercise has been undertaken with a number of other Councils to identify best practice. The cross-party Focus Groups considered a number of different options for changes to the Council Procedure Rules and the Civic Protocol before recommendations to the Council.

6. IMPLICATIONS

6.1 Legal

The proposals in this report comply with all legal requirements.

6.2 Financial

The proposals will increase costs by approximately £4,300 per annum. These will be contained within existing overall resources, and factored into future budget calculations.

7. BACKGROUND DOCUMENTS

None