

COUNCIL

Agenda Item: 09

Ward: All

Portfolio: Law and Governance

FROM: Deputy Chief Executive and Monitoring Officer **Date: 11 July 2016**

SUBJECT: Changes to The Constitution

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Report Sign off	Seen by:	Name	Date	
		Legal	Donna Nolan	29/6/16
		Finance	Paul Deal	29/6/16
		Chief Executive Officer	Stuart Brown	29/6/16
		Deputy Chief Executive Officers	Tracy Aarons Donna Nolan	29/6/16
Summary:	<p>This report describes amendments of specific elements of the Council's Constitution. These amendments follow the meeting of Full Council and Cabinet in May 2016, when a new management structure was approved.</p>			
Recommendation:	<p>That Council:</p> <ul style="list-style-type: none"> (a) Approve the proposed amendments to the Constitution to give effect to the new management and portfolio structure. (b) Delegate authority to the Deputy Chief Executive and Monitoring Officer, in consultation with the Standards Committee, to make such other amendments to the Constitution as necessary to give effect to the new management and portfolio structure. 			
Direct and/or indirect impact on service delivery to our customers and communities	<p>A robust constitution ensures high standards of community leadership to our customers and communities.</p>			
Financial Implications:	<p>Limited to the cost of administration and printing of revised versions of the constitution.</p>			
Legal Implications:				

	As outlined in the report.
Crime and Disorder Implications:	None identified for the purposes of this report.
Equalities Implications:	None identified for the purposes of this report.
Risk Assessment and Adverse Impact on Corporate Actions:	There is an evident risk if the Council's Constitution does not reflect its processes and internal arrangements. The proposed changes to the Constitution all address areas of potential risk.

INTRODUCTION

1. It is important that changes in the way in which the Council operates as a statutory organisation are reflected in its Constitution, and that the Constitution – as far as reasonably possible – provides a fully up to date means of governing the Council's operation as a local authority.
2. Following the decision of Cabinet on 23 May 2016 to review the Council's management structure, changes to the Constitution are required. In the interests of efficiency, a link to the amended sections of the Council's Constitution is at

www.mendip.gov.uk/article/4696

A paper copy of the amendments is available on request from the Democratic Services Team.

3. The following sections and Appendices have been amended:
 - Section 01 - Introduction and Summary
 - Section 02 - Members of the Public and the Council
 - Section 03 - Members of the Council
 - Section 04 - Full Council
 - Section 05 - The Cabinet
 - Section 07 - Scrutiny Board
 - Section 08 - Planning Board
 - Section 09 - Licensing Board
 - Section 10 - Community Partnerships
 - Section 13 - Audit Committee
 - Section 15 - Rules for Conducting Meetings
 - Section 16 - Access to Information
 - Section 18 - Responsibility for Functions July 2016
 - Section 19 - Officers
 - Section 21 - Financial Regulations

- Section 22 - Contracts Procedure Rules
 - Appendix A1 - Local Code of Corporate Governance
 - Appendix B - Officers' Code of Conduct 2016
 - Appendix C - Code of Good Practice for Planning
 - Appendix Di - Statement of Licensing Policy 2016-2021
 - Appendix Diii - Gambling Act 2005 Statement of Principles Mendip 2016-2019
 - Appendix E - Protocol for member officer relations
 - Appendix G - Members' Allowance Scheme 2016-17
 - Appendix I 1 - Procedures for Licensing Hearings
 - Appendix I 2 - Procedures for Licensing Hearings
 - Appendix L - Members' Media Relations Protocol
 - Appendix M - Officers' Media Relations Protocol
 - Appendix Oii - Member Development Strategy agreed 12.05.14
 - Appendix P - Petition Scheme
 - Appendix Q - Whistleblowing Policy 2016-2018
 - Appendix R - Anti-Fraud and Corruption Policy and Strategy 2016-2018
 - Appendix S - Procurement and Commissioning Strategy 2013-2016
 - Appendix T - Procurement Code of Practice
 - Appendix U - Somerset Building Control Partnership - Constitution for Joint Committee
4. Given the extent of the changes, further minor amendments to the Constitution may be required. In the interests of efficiency, delegation to the Deputy Chief Executive and Monitoring Officer, in consultation with the Standards Committee, is sought to enable such changes to be made so ensuring the Constitution is robust. Any such changes to be reported for information to the next meeting of Council.

RECOMMENDATION

That Council:

- (a) Approve the proposed amendments to the Constitution to give effect to the new management and portfolio structure.
- (b) Delegate authority to the Deputy Chief Executive and Monitoring Officer, in consultation with the Standards Committee, to make such other amendments to the Constitution as necessary to give effect to the new management and portfolio structure.

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Background Papers

Minutes of Full Council 9 May 2016
 Minutes of Cabinet 23 May 2016