

Report of	Meeting	Date
The Monitoring Officer Introduced by the Executive Leader	Council	5 April 2011

AMENDMENTS TO THE CONSTITUTION

PURPOSE OF REPORT

1. This report contains proposals for the amendment of the Council's Constitution to reflect changes which have already been agreed or are appropriate for the improvement of the continued running of the Council.

RECOMMENDATIONS

2. That the Executive Cabinet recommend to full Council that:
 - a. That the Constitutional provision for the Strong Leader Model which is being adopted from May 2011 be approved under a revised Article 7 of the Constitution which is set out in Appendix 1 to this report.
 - b. That the provision for substitute members at Development Control and Licensing and Public Safety Committees be approved as set out in italics in paragraph 19.
 - c. That the revised Contract Procedure Rules be approved as set out in Appendix 2 of this report.

EXECUTIVE SUMMARY OF REPORT

3. This report addresses three areas of change within the constitution
 - a. The implementation of the strong leader model (formerly adopted by the Council on 13 April 2010) under the Local Government and Involvement in Public Health Act 2007.
 - b. Provision for substitute members to attend Development Control and Licensing and Public Safety Committees; and
 - c. The amendment of the Councils Contract Procedure Rules.
4. The changes are set out in the report and the appendices, however there will also be consequential changes to other parts of the Constitution and these will be picked up afterwards and a revised edition of the Constitution published electronically with hard copies in the Members Room.
5. The Executive Cabinet is requested to recommend these amendments to full Council for adoption.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

6. Amendments to the Constitution require Council approval.

7. The amendments relating to the adoption of the strong leader model are required to be adopted before the municipal year 2011/12. This is a requirement of the Local Government and Public Involvement in Health Act 2007.
8. The All Party Leaders Group had asked that there be some provision created for substitute members on certain committees and the proposal is based on their recommendations.
9. Proposed changes to the Contract Procedure Rules are to enable this Council to undertake a more co-ordinated approach to joint procurement work with South Ribble Council.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

10. Failure to adopt the amendments relating to the strong leader model would place the Council in breach of a statutory duty and as a result this option has been rejected.
11. The remaining proposed amendments can be rejected but this will impact on the business of the Council and this option has therefore been rejected for business reasons.

CORPORATE PRIORITIES

12. This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy		Pride in Quality Homes and Clean Neighbourhoods	
Safe Respectful Communities		Quality Community Services and Spaces	
Vibrant Local Economy		Thriving Town Centre, Local Attractions and Villages	
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			X

BACKGROUND

13. There are three main areas of amendment to the Constitution. These are clearly separate and this report will deal with each in turn.

Strong Leader Model

14. On the 13 April 2010 the Council resolved to adopt the Strong Leader and Cabinet Executive model from May 2011. In order to action this resolution, consequential amendments to the Constitution are required. As a reminder, the key changes required as a result of this resolution are:-
 - a. The Leader is appointed by Council for a period 4 years (or the remainder of their term of office).
 - b. The Leader appoints their own Cabinet.
 - c. The Cabinet must consist of at least 2 but a maximum of 9 Executive Members one of whom must be a Deputy Executive Leader.
 - d. The Leader sets the Council's scheme of delegation as it relates to Executive Functions.
15. In addition to the statutory requirements listed above, discussion at the Council meeting in April 2010 referred to the consequential changes needed to the Constitution as a result of

the introduction of the Strong Leader model and requested that there be provision for removal of the Strong Leader by resolution passed on a simple majority.

16. The key provisions of the Constitution to be amended are:-
 - a. Part 2, Article 7 – The Executive
 - b. Appendix 2, Part D – Executive Functions
17. A revised Article 7 has been drawn up and retitled the Executive Leader and the Executive. This includes all required changes and is attached as Appendix 1 for Members approval. Once changes have been agreed, Part D of Appendix 2 will be revised accordingly.

Substitute Members

18. The All Party Leaders Group has recently requested that this Council include some provision for substitute members on certain committees of the Council. This is in use in many other local authorities and provides more flexibility for members in balancing their many commitments and ensures that wherever possible, there is a full compliment of members taking decisions. The proposal is to include a substitute member provision on both the Development Control and Licensing and Public Safety Committees only. The provision cannot apply to Executive Cabinet and is less of an issue on Overview and Scrutiny Committee. It requires both a change to the Constitution and also an appropriate resolution at Annual Council when appointments are made at the start of the year.
19. It is a statutory requirement that members of the Licensing Committee receive training prior to making any decisions on such matters. Similarly, whilst it is not required by statute, the approach at Chorley in relation to Development Control Committee is to try to ensure that decisions are made by members who are seen to have sufficient knowledge and training on planning matters. This would need to continue to be the case.
20. It is proposed that an additional paragraph (paragraph 30) be inserted in Appendix 3 of the Constitution as part of the Council Procedure Rules as follows:

Members may decide to request that another appointed substitute Councillor will attend certain committee meetings on their behalf on the following basis;

- *This provision relates only to the Development Control and Licensing and Public Safety Committees*
- *Each political group may appoint one substitute member for each of those committees at the start of the Council year when the appointments to committees are made.*
- *It is the member's responsibility to contact the committees appointed substitute member if they wish them to attend on their behalf*
- *Substitute members have full voting rights*
- *Substitute members must have received sufficient training on planning and licensing matters so that they are equipped to serve on those committees.*
- *Substitute members must attend for full meetings and not just for selected agenda items or part meetings.*

Contract Procedure Rules

21. As part of a joint exercise with South Ribble Council, the Contract Procedure Rules have been redrafted. This is to provide a more co-ordinated approach and it is envisaged that it will result in greater efficiencies in joint procurements. The proposed Contract Procedure Rules are attached at Appendix 2 to this report.
22. This report has implications in the following areas and the relevant Directors' comments are included:

Finance	/	Customer Services	
Human Resources		Equality and Diversity	
Legal	/	No significant implications in this area	

COMMENTS OF THE DIRECTOR OF TRANSFORMATION

The Constitution is a key working document for the governance of the Council. It is essential that it is regularly reviewed to ensure compliance with all legislative requirements and the business requirements of the Council.

The changes relating to the implementation of the strong leader model are a legal requirement which implement a previous decision of the Council.

CHRIS MOISTER MONITORING OFFICER

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Chris Moister	5160	9 March 2011	

Background Papers			
Document	Date	File	Place of Inspection
Council Constitution	Last updated 2010		www.chorley.gov.uk