

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Council	27 July 2006
AUTHOR/S:	Chief Executive / Democratic Services Manager	

TEXTUAL REVISIONS TO THE CONSTITUTION

Purpose

1. To propose textual amendments to the wording of the Constitution required by changes in legislation or by the Council's structure, correction of errors or omissions, or minor amendments already agreed elsewhere.

Background

2. The Working Party met on 13 July 2006 to consider proposals for textual changes to the Constitution and to consider other issues referred to it.
3. Many of the proposed amendments to wording relate to changes in the Council's staffing structure. Some of these have been omitted from the recommendations to this Council meeting as they require further deliberation for operational reasons.

Recommendations

4. To agree the following recommendations of the Constitution Review Working Party:
5. Amendment to terms resulting from the change in management structure:
 - Change references to Finance and Resources Director to **Chief Finance Officer** throughout except as indicated below

6. **ARTICLE 6, SCRUTINY AND OVERVIEW COMMITTEE**

6.01 Composition and Terms of Reference (page B-9)

Combine the first two sentences to read: "The Council will appoint a Scrutiny and Overview Committee comprising between 14 and 16 councillors.

7. **ARTICLE 11: JOINT ARRANGEMENTS**

11.02(d) Joint Arrangements (page B-18)

Delete "if the Council approves" and insert **"...where the joint committee has functions for a part only of the district, smaller than two-fifths of the district by area or population. In such cases the executive may appoint any councillor who is a member for a ward which is wholly or partly contained in the relevant area.**

"In this case political balance requirements do not apply."

11.04(a) Delegation to and from other local authorities (page B-18)

Add **"non-executive"** before "functions"

11.05 Contracting Out (page B-19)

Add **"Council or"** before "executive"; and **"their respective"** before "functions"

8. **RESPONSIBILITY FOR EXECUTIVE FUNCTIONS:**

Table 2A (page C-9) and **Table 2B, Executive Delegations by Portfolio** (page C-17)

Combine Resources and Staffing and Information and Customer Services portfolios

Table 2B

Staffing Matters No 3 (page C-11)

Amend so that Portfolio Holder approves pay awards or allowance adjustments within budget provision; Cabinet recommends to Council if they fall outside budget provision. The Chief Executive could approve the implementation of national allowance adjustments provided they are within budget.

Financial matters 7 (page C-12)

Delete detailed reference to Rule 5, Budget and Policy Framework Rules and insert **"See Rule 5..."**

Housing (page C-18)

To delegate to officers, on a permanent basis, the following delegated powers of the Housing Portfolio Holder:

No 65	Management Transfers	Housing Services Manager
	Assignment of tenancies	Housing Services Manager
	Discretionary points award	
	Outside normal allocations policy	Housing Advice and Options Manager

Table 3

Pending a further review of officer delegated powers, insert the table agreed by Cabinet on 9 June 2005 for powers delegated to officers in relation to the provisions of the Anti-Social Behaviour Act 2003 for high hedges.

9. **COUNCIL STANDING ORDERS**

1.1, Annual Meeting – Timing and Business (page D-2)

Delete item (x) "approve a programme of ordinary meetings of the Council for the year;"

2, Ordinary Meetings (page D-4)

Amend first sentence to :

"Ordinary meetings of the Council will take place in accordance with a programme **agreed by** Council." (i.e. delete "decided at the Council's annual meeting")

6, Notice of Summons (page D-4)

Second sentence – amend to **"the Chief Executive will send a summons...."**

10.3, Notice of Questions by the Public (page D-7)

Amend first sentence to:

"A question.....by delivering it in writing or by electronic mail to the proper officer no late than midday **6 3** days before the day of the meeting."

10.4, Number of questions (page D-5)

Add **"at the meeting"** at the end of the 1st sentence

10.10, Reference of question to the executive or committee page D-8)

Replace first 2 sentences with **"Discussion can only take place on a question if the Chairman agrees."**

18.1, Record of Attendance (page D-13)

Amend to: **"All members are required to sign the attendance sheet before the conclusion of the meeting to assist with the record of attendance."**

22.1 Suspension of Standing Orders (page D-15)

Add **"SO17.2"** to the exceptions.

This is a required SO, previously omitted from this paragraph

10. **FINANCIAL REGULATIONS** (pages I-1 to I-13)

Amend references to the Finance and Resources Director to **Chief Executive** in paragraphs:

17.2 Land and Property, 19. Data Protection, 22. Information Technology and 23. Risk Management (pages I-10 – I-13)

1.2 General (page I-1)

Amend "Section 1(1) of the Local Government Act 1992" to **"Section 44(1) of the Audit Commission Act 1998 for the collection, recording and publication of information relating to standards of performance."**

2.4 Accounting (page I-1)

Amend 1st sentence to **"The Chief Finance Officer shall be consulted..."**

3 Financial Control (page I-2)

3.2 Amend 1st sentence to **"The Chief Finance Officer shall be informed immediately..."**

3.6 Amend second sentence to **"The Chief Finance Officer shall be consulted..."**

Delete "(who shall in turn report as soon as reasonably practicable to the Management Team)"

16.3 Insurances (page I-10)

Delete "following consultation with the Chief Executive"

18 Internal Audit (page I-11)

18.2 Amend the last sentence to **"The Chief Finance Officer** shall consider whether to refer any irregularity to the Police." (deleting reference to the Chief Executive)

18.4 Insert after "Chief Executive" at the end of the paragraph, **"and/or the Leader of the Council."**

11. **CONTRACT STANDING ORDERS** (pages J-2 – J-11)

Amend references to the Finance and Resources Director to **Chief Executive** in paragraphs:

7.1 Submission, Receipt and Custody of Tenders, 8.3 Opening (page J-6),
19.1 & 5 Legal Services and 20.3 Form of Contract (pages J-9&10),

8.1 Opening (page J-6)

Amend first sentence to **"...by officers from the procuring service and a legal officer or an officer designated at the time for the purpose by the Chief Executive."**

12. **DELEGATION RULES** (pages M-1 – M-5)
Add a new paragraph after the existing paragraph 1.2:
“The Leader and his/her absence, the Deputy Leader, shall have all the delegated powers, functions and responsibilities of any portfolio holder in their absence.”
13. **MEMBERS' ALLOWANCE SCHEME** (pages Y-1 – Y-7)
Insert revised scheme as agreed by Council on 23 February 2006 – allowance rates only amended.

4. Renunciation (page Y-1)
Amend Finance and Resources Director to **Chief Executive**

Background Papers: the following background papers were used in the preparation of this report:
SCDC Constitution

Contact Officer: Susan May – Democratic Services Manager
Telephone: (01954) 713016