

	<b>AGENDA ITEM NO.</b>
<b>Report Cover Sheet</b>	
<b>Name of Meeting:</b>	Executive
<b>Date of Meeting:</b>	
<b>Report Title:</b>	Constitution – Revisions
<b>Summary of report:</b>	Some revisions are required to the Constitution prior to a replacement in the near future
<b>For Further Information Please Contact (report author):</b>	Simon Best Head of Legal Services 01926 456606 Simon.Best@warwickdc.gov.uk
<b>Business Unit:</b>	Legal Services
<b>Would the recommended decision be contrary to the Policy Framework:</b>	No
<b>Would the recommended decision be contrary to the Budgetary framework:</b>	No
<b>Wards of the District directly affected by this decision:</b>	None
<b>Key Decision?</b>	Yes
<b>Included within the Forward Plan?</b>	
<b>Is the report private &amp; confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No
<b>Date and name of meeting when issue was last considered and relevant minute number:</b>	
<b>Background Papers:</b>	Strong and Prosperous Communities; DCLG; London (2007) <a href="http://www.communities.gov.uk/publications/localgovernment/strongprosperous">http://www.communities.gov.uk/publications/localgovernment/strongprosperous</a> Delivering Good Governance in Local Government; CIPFA; London (2007) Scrutiny: rebuilding confidence in how government works; CfPS (2008)

<b>Consultation Undertaken</b>		
Below is a table of the Council's regular consultees. However not all have to be consulted on every matter and if there was no obligation to consult with a specific consultee they will be marked as n/a.		
<b>Consultees</b>	<b>Yes/ No</b>	<b>Who</b>
Other Committees	n/a	
Ward Councillors	n/a	
Portfolio Holders	Yes	Executive
Other Councillors	n/a	Constitution Working Party
Warwick District Council recognised Trades Unions	n/a	
Other Warwick District Council Service Areas	n/a	
Project partners	n/a	
Parish/Town Council	n/a	
Highways Authority	n/a	
Residents	n/a	
Citizens Panel	n/a	
Other consultees	n/a	
<b>Officer Approval</b>		
With regard to officer approval all reports must be approved by the report authors relevant director, Finance Services and Legal Services.		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Relevant Director(s)	Awaited	
Chief Executive	Awaited	
CMT	Awaited	
Section 151 Officer	Awaited	
Legal	7/3/08	Simon Best
Finance	Awaited	Mike Snow
<b>Final Decision?</b>		Yes
<b>Suggested next steps (if not final decision please set out below)</b>		

## 1. **RECOMMENDATION(S)**

- 1.1 To note this report.
- 1.2 To recommend to Council the proposed revisions noting that they are a short term change prior to a more substantial revision of the Constitution anticipated in the near future.

## 2. **REASON(S) FOR THE RECOMMENDATION(S)**

- 2.1 A range of issues have arisen which require the Constitution to be revised. Some are matters to be addressed later this year. Some require more immediate amendment, and are the subject of this report
- 2.2 There are three phases of amendments required to the Constitution. It was hoped that all of the amendments could be made at the same time. That has not proved to be the case. One of the amendments has been delayed because Government Guidance is still awaited. The other significant change depends on the final details of a Countywide Partnership becoming evident.
- 2.3 The 2006 White Paper '*Stronger Prosperous Communities*' contained a number of proposals on a variety of topics. Under the heading of "*Effective, accountable and responsive local government*" proposals included discussions about unitary authorities, and changing Council management arrangements. Three options were given for revised arrangements namely directly-elected mayor, directly-elected executive, or an indirectly elected leader for four year terms. Other suggested revisions included strengthened council overview and scrutiny powers and moving the determination of complaints against Councillors from the Standards Board for England to local Standards Committees. Statutory mechanisms to bring elements of the White Papers into practical effect were published in the Local Government and Public Involvement in Health Act 2007.
- 2.4 Senior members have considered the Leadership options by the Constitutional Working Party (CWP) on an away day and have reached a broad conclusion on the subject. However it is difficult to reach a final conclusion when the Government has said that guidance on the subject will be published. As a result the decision for members will await the debate following the publication of the Guidance. It is expected to be published in May 2008 although this target date could slip.
- 2.5 Revised scrutiny arrangements were also considered by the CWP and it was felt that a clear role for two separate overview and scrutiny committees would enable all of the required functions to be addressed whilst providing members with the opportunity to look at other subjects in depth through 'task and finish' groups that can be established as the need arises.
- 2.6 The Strategic Waste Partnership is one partnership that will emerge later this year. The scrutiny arrangements for the partnership have been of concern to members. It is difficult to develop the appropriate scrutiny arrangements for the Strategic Waste Partnership until the structure of the partnership becomes clear. This is likely to be something to be developed after the summer.

- 2.7 The revision of the Leadership arrangements for the authority is felt to be so significant that the Constitution be reprinted at that stage and published afresh. The changes in the meantime will be piecemeal amendments. The reprinted constitution will include a mechanism to allow partnership changes to be introduced from time to time.
- 2.8 A summary of the current structure of the Constitution and the details of the known and anticipated changes is attached to this report as Appendix 1. It is indicative of future changes, but suggestions from any member for other amendments, with a short explanation of why it is required, can be made through Group Leaders.

### **3 AMENDMENTS PENDING ADOPTION OF THE NEW LEADERSHIP ARRANGMENTS.**

- 3.1 There are various changes required to the Constitution which are either good or essential housekeeping. These may be summarised as follows:-
- a. Providing the necessary mechanism for the revised Overview and Scrutiny arrangements; and
  - b. Extending the powers of the Standards Committee to provide the final health check on the Annual Governance Statement; This revision will also provide for an annual review of the Constitution which will enable it to be kept up to date more effectively;
  - c. Membership of the Standards Committee will be permitted to expand to allow for the establishment of the necessary panels to enable the handling of a predicted increase in workload as result of the local determination of complaints;
  - d. Revisions to the delegations to committees as a result of the above.  
Revisions to the powers of officers to coordinate with the above and to bring other aspects up to date.
- 3.2 The proposed revisions are set out in Appendix 2.
- 3.3 There will be some minor amendments required elsewhere from time to time. These will reflect membership numbers for committees which can change.

### **4. ALTERNATIVE OPTION(S) CONSIDERED**

- 4.1 No alternatives in the leadership arrangements have been considered in this report. A later report will deal with this subject once the guidance has been published.
- 4.2 It would be possible to delay the amendments to Overview and Scrutiny suggested in this report but it would frustrate the introduction of revised scrutiny arrangements, and the effective external scrutiny of the Annual Governance Statement. The variations to delegations are important and there is no practical alternative to their delay.

- 4.3 It is not possible to avoid the impact of the local determination of complaints being moved from the Standards Board for England to the District Council's Standards Committee.

## **5. BUDGETARY FRAMEWORK**

- 5.1 There is no budgetary impact as a result of the revisions to the Constitution.
- 5.2 There is an anticipated impact from the national change to the remit of the Standards Board for England mentioned in paragraph 2.3. An estimated allocation of £3500 was included in the Revenue Support Grant (RSG) for 2008/09, and allocated to Legal Services. However recent guidance given at a national conference indicated that the cost of a single significant investigation may be in the region of £5000 - £8000. The Head of Legal Services advises that the costs to this Council may be as much as £10,000 and could be higher should there be a number of significant investigations during any one year. If these estimates are correct then the RSG allocation will be insufficient to meet the costs of performing this function. This will be monitored by the Head of Legal Services as part of the monthly budget monitoring exercise. Should additional costs arise they may be manageable within the overall budget if the one-off additional budget already allocated is not required in full. If the costs cannot be maintained this will be reported to the Executive as appropriate.

## **6. POLICY FRAMEWORK**

- 6.1 The proposals in this report assist in the effective governance and management of the authority supporting the Corporate and Strategic Leadership Priority of ensuring services are of a high quality.

## Appendix 1

### Table of Revisions to the Constitution

(Constitution Working Party shown as CWP)

Old		Subject	New	Source	Draft	Comments
<b>Part 1</b>		<b>Summary and Explanation</b>				
A1 - A5		Summary and Explanation	Summary and Explanation	Executive		<b>Need revised drawing political of structure of Council following 'Building on Excellence'.</b>
<b>Part 2</b>		<b>Articles of the Constitution</b>				
	<b>Art</b>					
B1		<i>Title page</i>				<i>Any Change?</i>
B2 – B3	1	The Constitution	The Constitution			<i>Any Change?</i>
B4 – B5	2	Members of the Council	Members of the Council			<i>Any Change?</i>
B6 – B7	3	Citizens and the Council	Citizens and the Council			<i>Any Change?</i>
B8 – B10	4	The Full Council	The Full Council			<i>Any Change?</i>
B11	5	Chairing the Council	Chairing the Council			<i>Any Change?</i>
B12 – B15	6	Overview and Scrutiny Committee	Overview and Scrutiny Committees	CWP	March v 1	<b>Reduce to 2 committees Amend E28-E33 MH concerned about weakening role of AROS – email of 11 March 2008</b>
B16 – B19	7	The Executive	The Executive		After May	<b>Revision required</b> <i>Pending Government guidance about Leadership Models</i>
B20	8	Regulatory and other Committees	Regulatory and other Committees			<i>Any Change?</i>
B21 – B22	9	The Standards Committee	The Standards Committee	CMT	March v 1	<b>Need to extend remit to incorporate role in signing off Annual Governance Statement, including annual health check on Constitution.</b>
B23	10	Area Committees and Forums	Area Committees and Forums			<i>Any Change?</i>

B24 – B25	11	Joint Arrangements	Joint Arrangements		After summer	<b>Need to provide for Joint Waste Partnership and any other emerging partnerships</b> <b>Need to consider members request for some form of ‘Joint Scrutiny’</b>
B26 – B31	12	Officers	Officers			<i>Any Change?</i>
B32 – B33	13	Decision making	Decision making			<i>Any Change?</i>
B32 – B33	14	Finance Contracts and Legal Matters	Finance Contracts and Legal Matters			<i>Any Change?</i>
B36	15	Review and Revision of the Constitution	Review and Revision of the Constitution			<i>Any Change?</i>
B37	16	Suspension, Interpretation and Publication of the Constitution	Suspension, Interpretation and Publication of the Constitution			<i>Any Change?</i>
<b>Part 3      Schedule 1 – Description of Executive Arrangements and Responsibility for Functions</b>						
C1		<i>Title page</i>	<i>Title page</i>			<i>Any Change?</i>
C2 – C3	1	Local Choice Functions	Local Choice Functions			<i>Any Change?</i>
C4 – C8	2	Council Functions	Council Functions			<i>Any Change?</i>
C9 – C12	3	Executive Functions	Executive Functions			<i>Any Change?</i>
D1 – D31	4	Scheme of Delegation	Scheme of Delegation	SB	March v 1	<b>Insert general saving clauses to render lawful current delegations</b>
					May	<b>Revise and reformat. Revisit all job titles.</b>
				Executive Min 226/2007	May	<b>Revise delegations P(10) to TPOs</b>
<b>Part 4      Rules of Procedure</b>						
E1 – E20		Council Procedure Rules	Council Procedure Rules			<i>Any Change?</i>
E21 – E22		Public Speaking at Council Meetings	Public Speaking at Council Meetings	RI / GL		<i>Any change?</i>

E23 –E27		Executive Procedure Rules	Executive Procedure Rules			<i>Any Change?</i>
E28 – E33		Overview and Scrutiny Procedure Rules	Overview and Scrutiny Procedure Rules	CWP	March v 1	<b>Amend to accommodate change in membership numbers (See B12 –B15)</b>
E34 – E43		Access to Information Procedure Rules	Access to Information Procedure Rules		Summer	<i>Reconsider against Freedom of Information, Data Protection and Environmental Information Regulations regime. RI, GL and SB</i>
E44 – E48		Budget or Policy Framework Procedure Rules	Budget or Policy Framework Rules		Summer	<i>The Code of Financial Practice was review and amendments agreed at March Council. The document should be reviewed periodically and updated as necessary.</i>
F, G, H & I to be examined together. Officers to report to CMT; target May, 2008. CMT to discuss with Executive – summer						
F1 – F16		Code of Financial Practice	Code of Financial Practice	CMT then Executive	Summer	<i>The Code of Financial Practice was review and amendments agreed at March Council. The document should be reviewed periodically and updated as necessary</i>
G1 –G13		Code of Contract Practice	Code of Contract Practice	CMT then Executive	Summer	<b>Currently being reviewed by Mel Gillman with a view to reporting to June Executive.</b>
H1 – H19		Procurement Strategy	Procurement Strategy	CMT then Executive	Summer	<b>Currently being reviewed by Mel Gillman with a view to reporting to June Executive.</b>
I1 – I133		Environment Procurement Policy Guidelines	Environment Procurement Policy Guidelines	CMT then Executive	Summer	<b>Currently being reviewed by Mel Gillman with a view to reporting to June Executive.</b>
J1 – J3		Officer Employment Procedure Rules	Officer Employment Procedure Rules			<i>Any Change?</i>
K1		Public Speaking at Planning Committee	Public Speaking at Planning Committee	CMT then Executive		<i>Public access and involvement in meetings to be considered and recommendations made to CMT. RI &amp; GL to be involved.</i>



K2 – K3		Planning Committee Site Visits Protocol	Planning Committee Site Visits Protocol	SB	May	Revisit in the light of 'Probity in Planning (update)'
<b>Part 5</b>		<b>Codes and Protocols</b>				
L1 – L17		Members Code of Conduct (including gifts and Hospitality)	Members Code of Conduct (including gifts and Hospitality)	SB	May	Revise following new Code
M1 – M7		Officers' Code of Conduct	Officers' Code of Conduct			<i>Any Change?</i>
N1 – N11		Member / Officer Protocol	Member / Officer Protocol			<i>Any Change?</i>
P1 – P2		Planning Code of Conduct	Planning Code of Conduct			<i>Any Change?</i>
<b>Part 6</b>		<b>Members' Allowances Scheme</b>				
Q1 – Q10		Members' Allowances Scheme	Members' Allowances Scheme			<i>Any Change?</i>
<b>Part 7</b>		<b>Management Structure</b>				
R1 – R10		Management Structure	Management Structure			Need revised drawing of departmental structure following 'Building on Excellence'.

## **Appendix 2**

### **Part 1**

Providing the necessary mechanism for the  
revised Overview and Scrutiny arrangements;

## **Article 6 - Overview & Scrutiny Committees**

**Access to Information Regs 2000 – Reg 18 – Sections 21 and Schedule 1  
para 7**

**Local Government Act 2000 – Constitutions Direction – Para 3(k)**

### **6.01 Terms of Reference**

The Council will have the **two** Committees to undertake the Overview and Scrutiny functions. The scope of activity for each of these is set out in the table below.

The prime purpose of the Overview and Scrutiny committee is to review items to be considered by the Executive, to review past decisions, policy development, specific issues, and problems within the following service areas:-

Environmental Services, Economic Services, Cultural Services, Housing Services and Customer and Community Services portfolios

It will also be able to address any other matter not otherwise delegated to the Audit and Resources Overview and Scrutiny Committee.

The prime purpose of the Audit and Resources Overview and Scrutiny Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, issues of an audit nature and to oversee the financial reporting process.

It may also review past decisions, policy development, specific issues, and problems within the following service areas:-

Democratic Representation, Corporate Management, Electoral Services, Council Support services, Resource Management, and Commercial Property Management

## 6.02 **General role**

Within their terms of reference, overview & scrutiny committees will:

- i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- ii) make reports and/or recommendations to the full Council and/or the executive and/or any policy, joint or area committee in connection with the discharge of any functions;
- iii) consider any matter affecting the area or its inhabitants;
- iv) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the executive and/or any policy or area committees; and
- v) agree the terms of reference of best value reviews

## 6.03 **Specific functions**

### (a) **Policy development and review.**

Overview & scrutiny committees may:

- i) assist the Council and the executive in the development of its budget and policy framework by in-depth analysis of policy issues;
- ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- iv) question members of the executive and/or committees and chief officers about their views on issues and proposals affecting the area; and
- v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

### (b) **Scrutiny**

Overview & scrutiny committees may:

- i) review and scrutinise the decisions made by and performance of the executive and/or committees and council officers both in relation to individual decisions and over time;
- ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- iii) question members of the executive and/or committees and chief officers about their decisions and performance of their services, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- iv) make recommendations to the executive and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;
- v) best value: carry out fundamental reviews of Council services in conjunction with the Executive
- vi) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny committee and policy committees and local people about their activities and performance; and
- vii) question and gather evidence from any person (with their consent).

- (c) **Finance**  
Overview and scrutiny committees may exercise overall responsibility for the finances made available to them (if any).
- (d) **Annual report**  
Overview and scrutiny committees must report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.
- (e) **Audit and Resources Overview and Scrutiny Committee**  
The prime purpose of the Audit and Resources Overview and Scrutiny Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.

In addition to the general role of Audit and Resources Overview and Scrutiny Committee, the Committee will also:

- Approve (but not direct) internal audit's strategy, plan and performance
  - Review summary internal audit reports and the main issues arising, and seek assurance that action has been taken where necessary
  - Consider the reports of external audit and inspection agencies
  - Consider the effectiveness of the authority's risk management arrangements, the control environment and associated anti fraud and anti corruption arrangements.
- Seek assurances that action is being taken on risk related issues identified by auditors and inspectors.
- Be satisfied that the authority's assurance statements, properly reflect the risk environment and any actions required to improve it
  - Ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.
  - Review the financial statements, external auditor's opinion and report to members, and monitor management action in response to the issues raised by external audit.

#### 6.04 **Proceedings of overview and scrutiny committees**

Overview and scrutiny committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules and the Council procedure rules (in part) as set out in Part 4 of this Constitution.

#### 6.05 **Task and Finish Groups**

An Overview and Scrutiny Committee may each at any time instruct an officer, in consultation with a group of named members, to establish a Task and Finish Group to undertake a particular review and make recommendations thereon, either at the volition of the Committee or in response to a request from the Executive Cabinet for such a review.

6.06 Such Task and Finish Groups are not Committees or Sub-Committees and are not subject to a requirement for political proportionality, it being customary for any member with an interest or expertise in the particular topic to be included in such a consultative group.

6.07 **Political balance**

The allocation of seats to political groups will be made in accordance with the political balance rules and where there is an uneven number of seats then the odd seat shall:-

*Option (a) always be offered to the administration*

*Option (b) always be offered to the opposition*

*Option (c) be in the discretion of the Leader (**the current position**)*

*Option (d) be offered to the Group Leaders in rotation*

Consequential amendments to  
**OVERVIEW AND SCRUTINY COMMITTEE PROCEDURE RULES**

**1. WHAT WILL BE THE NUMBER AND ARRANGEMENTS FOR OVERVIEW AND SCRUTINY?**

(i) The Council will have **two** Committees, to undertake the Overview and Scrutiny functions, whose terms of reference, general roles and specific functions are set out in Article 6 and will appoint to them as it considers appropriate, normally on an annual basis, (at the Annual Council meeting). Each Committee will have a maximum of **15** members.

**2. WHO MAY SIT ON OVERVIEW AND SCRUTINY COMMITTEES AND POLICY COMMITTEES?**

All Councillors except Members of the Executive may be members of an Overview and Scrutiny Committees. However, no member may be involved in scrutinising a decision in which they have been directly involved. (Council Procedure Rule 18(b))

**3. CO-OPTEEES**

Overview and Scrutiny Committees will have discretion to appoint non-Councillors to sit their Committees but those persons will have no power to vote. (Council procedure vote 18(d)).

**4. MEETINGS OF THE OVERVIEW AND SCRUTINY COMMITTEES**

All Overview and Scrutiny Committees shall meet once per cycle, in accordance with the approved timetable of meetings. Special meetings of the Scrutiny Committees may be called in accordance with Council procedure rule 26.

**5. QUORUM**

The quorum for Overview and Scrutiny Committees shall be a quarter of the membership subject to a minimum of 4. (Council Procedure Rule 3)

## **Appendix 2**

### **Part 2**

Extending the powers of the Standards Committee to provide the final health check on the Annual Governance Statement;

## **ARTICLE 9 - The Standards Committee (S.53-55 & 81 (5) Local Government Act 2000)**

### **9.01 Standards Committee**

The Council meeting will establish a Standards Committee.

### **9.02 Composition**

(a) Membership. The Standards Committee will comprise up to sixteen members in total, calculated on the following basis, with each member to be of equal status:-

- Half of the Committee to be district councillors who shall not include the Leader or Chairman of the Council or any member of the Executive;
- One quarter to be independent members who are not Councillors or Officers of the Council or any other body having a Standards Committee; and
- One quarter to be members of a parish council or councils wholly or mainly in the Council's area, who shall not be a member or members of the Council.

(b) Independent Members. The following provisions apply:-

- Independent Members will be entitled to vote at meetings;
- At least one of the independent members must be present for the duration of a meeting of the Standards Committee for the proceedings of that meeting to be valid.

(c) Parish Members. The following provisions apply:-

- At least one of the parish members must be present when matters relating to parish councils or their members are being considered;
- Parish Members will be entitled to vote at meetings.

(d) Substitutes. There will be one named substitute for each district council member of the Committee, together with not less than one named parish substitute and not less than one named independent substitute.

### **9.03 Role and Function**

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by the Chairman councillors, co-opted members;
- (b) assisting the Chairman councillors, co-opted members to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) advising, training or arranging to train the Chairman, Councillors and co-opted members on matters relating to the Members' Code of Conduct;
- (f) granting dispensations to the Chairman, councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;

(g) dealing with any reports from a case tribunal or interim case tribunal, and any report from the monitoring officer on any matter which is referred by an ethical standards officer to the monitoring officer.

(h) to consider reports from the Ethical Standards Officer of the Standards Board for England and to adjudicate on local investigations undertaken by, or on behalf of, the Council.

(i) the exercise of (a) to (g) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils.

(j) Advising the authority about the effectiveness of its constitution, governance practices and other matters relevant to assisting the authority with the Annual Governance Statement, including:-

overview of the whistle blowing policy and Member/Officer Code of Conduct where it relates to Member conduct; and  
overview of complaints handling and Ombudsman investigations; and

#### **9.04 Quorum**

The quorum for a meeting of Standards Committee shall be as follows:-

(1) for the conduct of general business, a meeting shall not be quorate unless at least three members (including at least one district council member and at least one independent member) of that committee are present for its duration; and

(2) for the conduct of business relating to one or more parish or town councils, a meeting shall not be quorate unless at least three members (including at least one district council member and at least one independent member) of that committee are present as provided in (a) above, with the added requirement that at least one parish/town member must also be present when matters relating to parish/town councils or their members are being considered.

PROVIDED ALWAYS that where at least one independent member would have been present for the duration of the meeting but for the fact that he was prevented or restricted from participating in any business of the authority by virtue of its code of conduct, the requirement for the quorum to include at least one independent member shall not apply.  
article9.doc



## **Appendix 2**

### **Part 3**

Revisions to the delegations to committees as a result of the above.  
Revisions to the powers of officers to coordinate with the above and to  
bring other aspects up to date.

## **SCHEME OF DELEGATION**

**Insert at beginning of Current page D1**

### **General Conditions of Delegation**

- a) In respect of all functions delegated to officers prior to this date and in the future, the delegation shall be deemed to extend to any statutory re-enactment thereof, in whole or in part, whether varied in extent and/or wording, for the time being in force and, in respect of past delegation, to have been so extended with effect from the date when the said re-enactment came into force, provided that any major variation made in pursuance of this General Condition shall be reported for information to the appropriate body. To also include the delegation to act upon, apply, enforce or otherwise put into effect any future legislation which falls within their areas of responsibility being of a similar nature to existing delegations.
- b) The delegation of any power or function includes the authority to take all steps and actions ancillary to, conducive to, or to facilitate the exercise of the power or function including authority to serve statutory notices and all necessary and/or consequential action arising as a result including the institution of legal proceedings (subject to prior consultation with the Head of Legal Services) or other proceedings and shall include also power to determine the need to serve the notice as well as to arrange for its service.
- c) Where the delegations require the agreement of, or consultation with or other action by the Chairman and/or Vice Chairman of the Council or of any committee, such delegation shall provide for the substitution of another Member in the absence of any of the specified members.
- d) Subject to the foregoing, and without derogation from the powers or duties now or thereafter confirmed or imposed upon officers of the Council by statute or by any statutory instrument or regulation, authority to act for and on behalf of the Council without reference to the Council or any committee shall be delegated as otherwise set out in this Constitution.

- e) The power to sign documents on behalf of the authority shall, in the absence of the Chief Executive and the Head of Legal Services, be exercisable by the Corporate Director