

NAME OF COMMITTEE	Council
DATE	17 April 2012
REPORT TITLE	Annual Review of the Council's Constitution
REPORT OF	Deputy Monitoring Officer
WARDS AFFECTED	All

Summary of report:

To ensure that the Constitution is amended to reflect the changes that have either occurred in the Council over the previous year, or to implement any necessary changes to ensure that it is up to date and reflects the Council's current practice.

Financial implications:

There are no financial implications to this report.

RECOMMENDATIONS:

1. To approve the amended West Devon Borough Council Constitution 2012
2. That delegated authority be given to the Monitoring Officer to finalise the delegations in respect of licensing functions

Officer contact:

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1. BACKGROUND

- 1.1 Each year (at the Annual Meeting) the Council must formally adopt its Constitution for the forthcoming year.
- 1.2 Changes to Constitution are made throughout the year by the Council, and through its approval of Committee minutes. Minor or legal amendments are made by the Monitoring Officer. All of these changes are effective from the date of approval. The Constitution is fully updated every April to ensure that it is ready for adoption at the Annual Meeting.

2. THE AMENDMENTS

2.1 The amendments that have been made to the Constitution are shown highlighted in yellow on the document named 'Constitution Review 2012' on the Council's website at: <http://www.westdevon.gov.uk/doc.asp?doc=11209&CAT=2009>

2.2 The main changes to the Constitution are:

2.2.1 **The Council's Priorities:** these have been amended in line with the Council's current Priorities, with reference to the Connect Strategy and the Delivery Plans.

2.2.2 **Delegation Scheme:**

- The main change to this section is to implement the **new pilot committee structure** to be effective from the Annual Meeting in May. The terms of reference for the two new committees are now set out under the relevant Heads of Service for ease of reference.
 - **Audit Committee:** some minor amendments have been made to reflect current practice and also delegation to Audit to approve the Annual Statement of Accounts rather than just review the accounts.
 - The **Community Services Committee** will largely replace both the Future Planning & Housing Committee and the Environment & Community Committee from May 2012, and will deal with the Council's outward-looking services. The **Resources Committee** will deal with inward facing services, financial matters and general strategic issues, and replaces the Strategies & Resources Committee.
 - Some minor changes have been made to the service areas of the Heads of Service following last year's Senior Management restructure and the Middle Managers' review in order to reflect current practice.
 - The **Standards Committee** remit has not been amended, as the new provisions (which are still awaited) will not come into effect until 1 July 2012. A separate report will be brought to Council once the final details are clear.
 - Work on the **Licensing functions** under the Planning & Licensing Committee is not complete as the Monitoring Officer and Licensing Managers wish to clarify areas which ought properly be decided by Members and those which may be delegated to officers.
- 2.2.3 **Contract Procedure Rules:** these were reviewed last Autumn and approved by Council in December 2011.
- 2.2.5 **Members' Allowances:** there is a Review currently ongoing with recommendations expected from the Independent Remuneration Panel by the end of April. A further report will be brought to Council.
- 2.2.6 **Delegation from Heads of Service to other officers:** each Head of Service will produce a subordinate document that will sit under the Constitution and detail

which of their officers deal with which particular service areas. It will also clarify (particularly in the case of Planning & Licensing) areas which sit firmly within the remit of Committees and which matters are delegated to officers to decide. This work will be completed prior to the Annual Meeting.

2.2.7 **Other minor amendments:** other minor changes have been made to reflect any changes in the law or for clarity.

3. LEGAL IMPLICATIONS

3.1 The Local Government Act 2000 requires the Council to have (and to maintain) a Constitution.

3.2 The Monitoring Officer must review the Constitution annually and make recommendations to Council. Only the Council can approve and adopt the Council's Constitution as it is one of the Council's Policy documents.

4. FINANCIAL IMPLICATIONS

4.1 There are no financial implications to this report

5. RISK MANAGEMENT

5.1 The risk management implications are:

Opportunities	Benefits
To review the Constitution to ensure that it is up to date and reflects current practice and law	Up to date and lawful Constitution
Issues/Obstacles/Threats	Control measures/mitigation
Failure to review the Constitution and approve changes leading to unlawful decisions	Review in timely manner annually

6. OTHER CONSIDERATIONS

Corporate priorities engaged:	All
Considerations of equality and human rights:	N/a
Biodiversity considerations:	N/a
Sustainability considerations:	N/a
Crime and disorder implications:	N/a
Background papers:	The Constitution (Review) 2012