
Annual Council Meeting

17 May 2012

Name of Cabinet Member:

Cabinet Member (Policy, Leadership and Governance): Councillor John Mutton

Director Approving Submission of the report:

Director of Finance and Legal Services

Ward(s) affected: All

Title: Consequential changes to the Constitution arising from the Annual Meeting decisions

Is this a key decision?

No

Executive Summary:

This report is to address the consequential changes that will be required to the Constitution as a result of decisions made at its Annual Meeting on 17 May 2012. The Constitution also needs to be amended to reflect changes at the Annual Meeting in connection with the appointment of a member as Lead Member for Transportation and a new approval route for changes to the Constitution.

Recommendations:

- (1) That the changes to the Constitution set out in paragraph 2 of the report be approved; and
- (2) That the Assistant Director (Legal Services) & Monitoring Officer be given delegated authority to make any necessary amendments to the Constitution arising from the decisions taken at the Annual Meeting.

List of Appendices included:

None

Other useful background papers:

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Report title: Consequential changes to the Constitution arising from the Annual Meeting decisions

1. Context

- 1.1 Historically, the Constitution Working Group and previously the Standards Committee have been the route for considering amendments to the Constitution before making recommendations to Cabinet and/or Council for formal approval.
- 1.2 At the Council's Annual Meeting the Constitution Working Group was repositioned as an Advisory Panel on constitutional matters to the Cabinet Member (Policy, Leadership and Governance). In addition the portfolio for that Cabinet Member was extended to include constitutional matters.

2. Proposed Changes

- 2.1 It is recommended that the Cabinet Member Advisory Panel be responsible for recommending changes to the Constitution to the Cabinet Member (Policy, Leadership and Governance). The full terms of reference for the Advisory Panel are elsewhere on the Council's agenda and the provisions of paragraph 2.7.7. of Article 7 of the Constitution will apply to the Panel in the normal way.

This change should take effect immediately.

- 2.2 It is proposed that (timescales permitting) any proposals from the Constitutional Advisory Panel on constitutional changes should be made in the first instance to the Leader as Lead Member on governance issues. The Leader will in turn recommend changes to full Council. This proposed arrangement needs to be reflected in the Constitution.

It is proposed that paragraphs 2.14.3.1 and 2.14.4.1 of Part 3 (page 38) are replaced with the following text:

2.14.3 Changes to the Constitution

2.14.3.1 All changes to the Constitution (except those specified in paragraphs 2.14.3.2, 2.14.4 and 2.14.5 below) can only be approved by full Council after consideration of a recommendation by the Cabinet Member (Policy, Leadership and Governance) who will in turn receive recommendations from the Constitutional Advisory Panel. Where the timescale does not permit the Constitutional Advisory Panel to consider any proposed constitutional amendments, any recommendations to Council on those proposed changes to the constitution will be made by the Cabinet Member (Policy, Leadership and Governance) only.

2.14.4 Changes to the Scheme of Delegation

2.14.4.1. Changes to Part 3 of the Constitution (except those specified in paragraph 2.14.4.2) can only be approved by full Council after consideration of a recommendation by the Cabinet Member (Policy, Leadership and Governance) who will in turn receive recommendations from the Constitutional Advisory Panel. Where the timescale does not

permit the Constitutional Advisory Panel to consider any proposed constitutional amendments, any recommendations to Council on those proposed changes to the constitution will be made by the Cabinet Member (Policy, Leadership and Governance) only.

These changes should come into effect immediately.

2.3 Consequential Amendments arising from the Appointment of A Lead Member for Transportation

As a result of the appointment of Councillor McNicholas as Lead Member for Transportation, and the incorporation of Transportation into the Leader's Cabinet Member portfolio, some changes need to be made to the Constitution These are set out below.

(a) Status of Lead Member for Transportation

Reference needs to be made in the Constitution to the role and responsibilities of the Lead Member for Transportation. It is suggested that the following paragraph outlining this role be inserted in Part 3 after the description of the cabinet portfolios and cabinet members (at page 51)

3.2.7 Lead Member for Transportation

3.2.7.1 The Leader of the Council is the Cabinet Member with responsibility for transportation. However, the Council has also appointed Councillor John McNicholas as Lead Member for Transportation.

3.2.7.2 The Lead Member for Transportation is not a member of Cabinet but works with and alongside the Leader of the Council and the Director of City Services and Development on matters relating to transportation across the Council's area.

3.2.7.3 To enable the Lead Member for Transportation to carry out their role effectively they will have the right to attend meetings of Cabinet, the Leader's cabinet member meetings and any other meetings as appropriate on transportation matters.

(b) Responsibility for Non Executive Decision Making on Transportation Matters

It is proposed that the Director of City Services and Development be given delegated power to make non-executive decisions with regard to transportation matters in consultation with the Lead Member for Transportation. In the event that the Lead Member is unavailable for consultation the Leader will be consulted.

The following text should be added to Part 3 (Scheme of Delegation to Employees) at page 116:

Transportation Matters	Nominee/Limitations
To take any decisions on non-executive matters relating to Transportation.	In consultation with the Lead Member for Transportation or, in their absence, the Leader of the Council.

The changes should take effect immediately.

2.4 Consequential Amendments arising from other decisions taken at the Annual Meeting

Approval is sought to make any necessary amendments to the Constitution arising from other decisions taken at the Annual Meetings.

The Changes should take effect immediately.

3. Results of consultation undertaken

3.1 The amendments arise from decisions that will be taken at the Annual Meeting and so no consultation has been undertaken.

4. Timetable for implementing this decision

4.1 The proposed changes would, if approved, take immediate effect.

5. Comments from Director of Finance and Legal Services

5.1 Financial implications

None

5.2 Legal implications

The Constitution will reflect the decisions that will be taken at the Annual Meeting and will meet legal requirements.

6. Other implications

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

The Constitution sets out the governance arrangements of the Council and it is important for the good governance of the Council that these reflect the decisions that will be taken at the Annual Meeting.

6.2 How is risk being managed?

No risk identified.

6.3 What is the impact on the organisation?

Compliance with the Council's Constitution enables the Council to exercise all its powers and duties in accordance with the law and the requirements of its Constitution.

6.4 Equalities / EIA

There are no equality issues arising from the proposed amendments.

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

None

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Members: Councillor John Mutton	Cabinet Member Policy, Leadership and Governance		11.5.2012	11.5.2012

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