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## REPORT OF THE POLICY AND FINANCE COMMITTEE – 9 MARCH 2006

### 1 REVIEW OF ROCHFORD DISTRICT COUNCIL'S CONSTITUTION

- 1.1 This item of business was referred by the Policy and Finance Committee on 9 March 2006 to Full Council with a recommendation that the draft Constitution be adopted. A copy of the officer's report to the Committee is attached at Appendix A.
- 1.2 The Committee noted that the Standards Committee had endorsed draft proposals relating to its area of work and had recognised that, dependant on Government changes to the Conduct Regime for Local Government in England, there may be a future need to recommend changes around Committee role and function.
- 1.3 The Committee also noted that, as officers had not traditionally been appointed to Committees, removal of the Chief Executive from membership of the Emergency Planning Committee would bring consistency.
- 1.4 It is proposed that the Council **RESOLVES** that the draft Constitution be adopted (CD(LP&A))

**Note to Members:** An updated draft Constitution (highlighting the amendments recommended to date) is being despatched separately to all Members of the Council. Please bring this to the meeting.

Sarah Fowler

Head of Administrative and Member Services

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### Background Papers:-

None

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## APPENDIX A

**REVIEW OF ROCHFORD DISTRICT COUNCIL'S  
CONSTITUTION****2 SUMMARY**

- 2.1 Following revision of the Council's committee structure, this report seeks the Committee's approval to amendments to the Constitution recommended by the Finance & Procedures Overview & Scrutiny Committee and Standards Committee.

**3 INTRODUCTION**

- 3.1 The Council adopted its present Constitution early in 2002. The document closely follows the modular draft set out in government guidance issued at that time. As an authority operating alternative arrangements, the Council retains a full committee structure. This has recently been revised following a detailed review of Overview and Scrutiny arrangements.
- 3.2 The new structure includes five policy committees, a number of regulatory committees and a Review Committee.

**4 MATTERS FOR CONSIDERATION**

- 4.1 Members will have received a draft copy of the revised Constitution under separate cover. Amendments proposed by the Monitoring Officer are shown highlighted. The Standards Committee is meeting on 28 February 2006 to consider the draft with particular regard to the ethical framework. Its comments will be reported under separate cover.
- 4.2 In the meantime, the Finance & Procedures Overview & Scrutiny Committee have recommended the draft Constitution for adoption by the Council subject to correction of typographical errors and the following amendments:-
- Part 2 - Article 6 – section 6.02, paragraph (ii) - delete the reference to area Committee.
  - Part 3 – second paragraph - the Corporate Director to amend the wording, prior to determination by Council, to reflect the Committee's wish that the Leader of the Council in conjunction with the Chief Executive should decide the designation of "lead committees" where necessary.
  - Part 3 – delete "Chief Executive" from the membership of the Emergency Planning Committee.
  - Part 3 - Amend title of Head of Planning Services to include "Transportation".

- Part 4 – Access to Information Procedure Rules - include the amended wording provided.
- Part 4 – Budget and Policy Framework Procedure Rules, paragraph 2(a) – amend the wording to indicate that the Review Committee is not required to address strategic policy or resource issues, as follows – “Within this programme, it may identify strategic policy or resource issues on which it may wish to request studies by the Review Committee.”
- Part 4 – Overview and Scrutiny Procedure Rules:-
  - delete the final sentence of the opening paragraph.
  - paragraph 4 should read, “There shall be at least ten ordinary meetings of the Review Committee in each year.”
  - paragraph 8.3, amend the final sentence to read “..... shall consider the report of the Review Committee at its next available meeting.
  - paragraph 15(a) – as above, delete the reference to Area Committee.
- Part 4 – Contract Procedure Rules – include amended EU thresholds.

## **5 LEGAL IMPLICATIONS**

- 5.1 While the Council is free to make amendments to its Constitution, statutory regulations apply to the operation of certain parts including aspects of overview and scrutiny and the Standards Committee.

## **6 PARISH IMPLICATIONS**

- 6.1 The Standards Committee may make decisions affecting Parish Councils from time to time.

## **7 RECOMMENDATION**

- 7.1 It is proposed that the Committee considers the draft Constitution as amended and **RECOMMENDS** its adoption by the Council.

John Honey

Corporate Director (Law, Planning & Administration)

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**Background Papers:-**

None

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