

**Extract from Cabinet Minutes
15 February 2011**

A9. REVISIONS TO THE CONSTITUTION

The Cabinet considered a report by the Head of Legal and Support Services (Reference 11/107). Cabinet were informed that there were two key matters to consider. The first was the changes from May 2011 for strong leadership. This document provided a mechanism for the Leader to be elected. It was noted that the first Council meeting was expected to elect the strong Leader. The Constitutional Working Group proposed an arrangement under which all Councillors would have the right to elect any candidate that has the support of 5 or more Councillors. The successful candidate would require 50% or more of the votes to be elected Leader. Where no nominee had more than 50% of votes cast then the name of the person with the least number of first preference votes will be disregarded and the votes allocated to the remaining nominees in order of the preference indicated on the voting slips. The process would be continued until in excess of 50% of votes had been allocated to one nominee or in the alternate more than 50% of members had elected to Re-open nominations. This method should allow the chosen Leader to have the most support and the process recognised the importance of the appointment for a four year period.

The other change was the reduction in the Heads of Service by one and the reallocation of the work of the Head of Technical Services. It was noted there was an error at page 72 at section 14.1 which should say Parking Manager and not Parking and CCTV Manager.

The Head of Legal and Support Services also proposed an amendment to reduce the number of items coming to Cabinet if the proposal to dispense with Cabinet Grants and Relief Sub-Committee was accepted. The suggestion was that this was delegated to the Head of Finance and Asset Management for discretionary rate relief and business hardship relief subject to the decision being within existing council policy. The power to determine the use of parish council contingency funds of up to £1000 within a year could also be delegated as this would not significantly affect the contingency budget, but would reduce the number of reports coming to Cabinet. Mr Anderson apologised for the lateness of this amendment however, they reflected proposals that had come forward following publication of the report.

Cabinet were informed that amendments were being made to the access to information rules in relation to the management of Executive exempt information including a water mark identifying the recipient, but allowing for Members to destroy confidential documents themselves. The notice period for convening an urgent scrutiny meeting following call in had also been clarified.

Mr Anderson stated that there was a proposal for introduction of a protocol relating to appointment to external bodies. Some appointments were part of the Executive function, and following the introduction of strong leadership would be determined by the Leader. For the balance of external appointments it was proposed that appointment be for a period of 4 years to provide continuity to the external bodies. Given this duration the protocol allowed for members to identify the reasons for them putting forward their name for a position

Councillor Dixon stated that the meeting to elect the Leader was not a radical change to what had been done previously but this did allow the option for the reopening of nominations. This ensured that the person selected had the confidence

of full Council. He noted that he had 20 years of operating this system and re-opened nominations had never won an election. He noted that it was usual for Members to only be able to sign one nomination and asked that this be clarified for full council. Councillor Popple thanked Councillor Dixon for the explanation but observed that these directives were from the previous government so the arrangement may change.

Councillor Kenyon reminded Members that new Members may find this confusing and asked what training there would be. Noted there would be a training session prior to the first meeting of Council for new and returning Councillors.

Councillor Dixon stated that this could be explained very simply to Members.

Councillor Kenyon stated that new Councillors would not know the qualities of the Councillors. Noted that there would be presentations to all Members to explain the arrangements.

Councillor Dixon suggested some further amendments to the wording of the relevant section to make the arrangements clearer.

RESOLVED that Cabinet recommend to Council:

- (a) the amendments to the Council Procedure Rules relating to the appointment of the Leader identified at Appendix 1 of the report;
- (b) the amendments to Article 7 relating to the role of the Executive identified at Appendix 2 of the report;
- (c) the amendments to the Scheme of Delegation to Individual Cabinet Members (Schedule 2) and the Scheme of Delegation to Officers (Schedule 3) identified at Appendix 3 of the report;
- (d) the consequential and clarifying amendments to Articles 4 and 8, and 10 at Appendix 4 of the report;
- (e) the amendments to the Access to Information Rules at Appendix 5 of the report relating to the management of exempt information;
- (f) the amendments to the Additional Overview and Scrutiny Committee and Area Committee Rules identified at Appendix 6 of the report; and
- (g) the introduction of the External Appointments protocol identified at Appendix 7 of the report.

Reasons:

1. The Local Government and Public Involvement in Health Act 2007 required local authorities to introduce the strong leader model of Local Government. This requires a number of amendments to the Constitution.
2. A reduction in the number of Heads of Service has been agreed with effect from 1 April, this requires amendments to be made to the scheme of delegation to officers.
3. The Southern Area Committee has given support to an arrangement under which its functions are delegated to the Southern cluster of Parish Councils and Eastfield Parish Council.
4. A separate report on the agenda proposes the adoption of the amended provisions of the Local Government (Miscellaneous Provisions) Act 1982 relating to the licensing of Sexual Entertainment Venues. This requires amendment to the Constitution and the opportunity has been taken to tidy other provisions within the delegations to Regulatory Committees.
5. Concerns in relation to the breach of confidentiality by Members of Council has led to proposals for improvements to the management of Council papers.
6. Improvements have been made to the governance of the Council's relationships with its external partners over the last two years. It is proposed

to improve the appointments process for external bodies to enhance this process.