

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

9 OCTOBER 2008

REPORT OF
CORPORATE
MANAGEMENT TEAM

COUNCIL DECISION/

**Leader of the Council - Councillor Lupton and
Corporate Management and Finance – Lead Cabinet Member – Councillor Laing**

REVISED CONSTITUTION

1. Summary

This report asked Cabinet to agree the updated Executive Functions delegations in the Constitution; recommend for approval to Council the revised Local Choice and Council Functions delegations and to note the remaining revisions to the Constitution as a whole.

2. Recommendations

It is recommended that:-

1. The updated Executive Functions delegations referred to be agreed;
2. Council is asked to agree the revised Local Choice and Council Functions delegations; and that
3. The remaining revisions to the Constitution as a whole be noted.

3. Reasons for the Recommendations

To ensure that the Cabinet's and the Council's delegation schemes, and the Constitution as a whole, are up to date, accurate and reflect operational and legislative change.

4. Members Interests

Members (including co-opted Members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (**paragraph 8**) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (**paragraphs 10 and 11 of the code of conduct**).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;
- in any other case, whenever it becomes apparent that the business is being considered at the meeting;

and must not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (**paragraph 12 of the Code**).

Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc; whether or not they are a Member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.

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RECOMMENDATION

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1. The updated Executive Functions delegations referred to be agreed;
2. Council is asked to agree the revised Local Choice and Council Functions delegations; and that
3. The remaining revisions to the Constitution as a whole be noted.

DETAIL

1. The Executive, Local Choice and Council Functions delegations have been updated since the Constitution was last republished (7 November 2007).
2. The changes have been highlighted in the current version of the Constitution and brought specifically to Members and Officers attention. They are necessary due to the need to correct existing delegations; cover functional areas which are not presently referred to; reflect new legislative provisions and to respond to changes approved by Cabinet/Council (eg revised planning and licensing delegations; delegations regarding Stockton Renaissance post Neighbourhood Renewal).
3. Cabinet is asked to agree the updated Executive Functions delegations and to recommend for Council approval the revised Local Choice and Council Functions.
4. Amendments have also been made to other parts of the Constitution to reflect changes agreed by Council, as follows:-

- new Cabinet Member portfolios and changed composition of Cabinet
- changes to the select committee structure
- new local assessment (misconduct allegations) arrangements
- members allowances
- adding in the agreed Communication, Consultation and Engagement Strategic Framework

5. Cabinet will be asked to note these revisions.

FINANCIAL AND LEGAL IMPLICATIONS

Financial

6. There are no financial implications arising directly from this report.

Legal

7. Some of the changes are required due to new legislative provisions, others are necessary to reflect changes in the political and constitutional/governance framework of the Authority.

RISK ASSESSMENT

8. The risks involved are classed as low to medium and will be minimised by what is proposed, which will mirror the current political and constitutional framework .

COMMUNITY STRATEGY IMPLICATIONS

9. The functions involved are relevant to various key improvement priorities eg organisational and operational effectiveness; liveability and economic regeneration.

CONSULTATION INCLUDING WARD/COUNCILLORS

11. The changes to delegations have been highlighted and drawn specifically to Members' attention. The updated version of the Constitution has been made available via Public Folders/SBC Constitution on the Outlook system, with the various changes highlighted for ease of reference.

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Background Papers

Ward(s) and Ward Councillors

Property

Not Ward Specific

None