



Title: **Constitution Amendments**

Public Agenda Item: **Yes**

Wards Affected: **All wards in Torbay**

To: **Council** On: **27 September 2012**

Key Decision: **No**

Change to Budget: **No** Change to Policy Framework: **No**

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## **1. What we are trying to achieve and the impact on our customers**

- 1.1 To consider proposed amendments to the Constitution relating to the Employment Committee terms of reference and responses to members questions within Standing Orders in relation to Council Meetings which could not be agreed by the Mayor and Group Leaders.

## **2. Recommendation(s) for decision**

- 2.1 That the Monitoring Officer be requested to amend the Constitution (as set out at Appendix 1 and 2) to: a) remove the appointment of directors of Council controlled companies from the Employment Committee terms of reference and delegate this to the Chief Operating Officer to streamline the process; and b) update the requirement for written responses to members questions within Standing Orders in relation to Council meetings.

## **3. Key points and reasons for recommendations**

- 3.1 The Leadership Group (comprising the Mayor, Group Leaders, Deputy Leaders and Overview and Scrutiny Co-ordinator) met on 18 September 2012 to discuss the amendments suggested by the Monitoring Officer to the Constitution. Pursuant to paragraph 1.03 of the Constitution the Monitoring Officer is able to make amendments to it with the consent of the Mayor and Group Leaders. The amendments that were agreed by the Mayor and Group Leaders will be made to the Constitution however no agreement could be reached on the proposed change to the Employment Committee's terms of reference and Standing Orders in relation to Council meetings for responses to members' questions. Where

there is no consensus it is necessary for the proposed change to the Constitution to be agreed by full Council. The proposed amendments are attached at Appendix 1 and 2.

**For more detailed information on this proposal please refer to the supporting information attached.**

**Anthony Butler  
Monitoring Officer**

## **Supporting information**

### **A1. Introduction and history**

A1.1 The Council's Constitution was formally adopted at the meeting of the Council held on 16 January 2002. A fundamental review of the Constitution took place in the light of the elected mayor system of governance which came into effect on 24 October 2005. Since that time the Constitution has been kept under review by the Monitoring Officer and updated to reflect changes in legislation and improved governance practice.

A1.2 The Leadership Group (attended by the Mayor and Councillors Darling, Excell, Morey, Pentney, Thomas (D) and Thomas (J) and Stockman) met on 18 September 2012 to discuss the latest amendments.

### **A2. Risk assessment**

#### **A2.1 Outline of significant key risks**

A2.1.1 None.

### **A3. Other Options**

A3.1 None

### **A4. Summary of resource implications**

A4.1 No significant resource implications.

### **A5. What impact will there be on equalities, environmental sustainability and crime and disorder?**

A5.1 None

### **A6. Consultation and Customer Focus**

A6.1 The Leadership Group and Senior Officers were consulted on the amendments.

### **A7. Are there any implications for other Business Units?**

A7.1 No

## **Appendices**

- Appendix 1 Proposed amendments to the Employment Committee Terms of Reference and subsequent change to the Officer Scheme of Delegation
- Appendix 2 Proposed amendments to Council Standing Orders

## **Background Papers:**

None