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**COUNCIL**

**29 June 2006**

Report of the Head of Civic, Democratic & Legal Services

## **MINOR DRAFTING AMENDMENTS TO THE NEW CONSTITUTION**

### **Summary**

1. This report sets out the amendments to the Constitution implemented to action the decisions of the Special Council Meeting on 27 April 2006, together with further minor drafting amendments authorised under Article 16 of the new Constitution.

### **Background**

2. On 27 April 2006 the new Council Constitution was approved at special meeting of Full Council. Full Council also resolved to amend the draft documentation
3. In addition, on reviewing the documentation a number of minor drafting errors were noted. Under the provisions of Article 16 of the Constitution, the Head of Civic, Democratic and Legal Services, as the Council's Monitoring Officer, is authorised to amend the Constitution to :
  - ensure that the Constitution and the Council's Procedures meet all legal requirements;
  - reflect changes to arrangements for the distribution of responsibilities and the delegation of powers in accordance with decisions taken by the person(s) or body with authority to take such action;
  - to give effect to changes explicitly approved by the Full Council.

In addition, any such amendments must be duly reported to Full Council for approval at the earliest opportunity.

4. It is imperative that the Council's Constitution is accurate to ensure that any decisions taken are within the Council's powers. The minor drafting amendments detailed in the schedule attached will ensure that the Constitution and the Council's Procedures meet this legal requirement.

## **Consultation**

5. The attached Schedule (Annex 1) and the amendments to the Constitution have been circulated to all Members.

## **Options**

6. Full Council has the following options :
  - 6.1 To approve the recommendations
  - 6.2 Not to approve the amendments

## **Analysis**

7. Option 6.1 Advantages

The Constitution will be legally robust and the recommendations of Full Council on 27 April 2006 will be implemented.

### Disadvantages

None

### Option 6.2 Advantages

None

### Disadvantages

The Constitution will contain drafting errors and inaccuracies and the Council will not have implemented decisions taken on 27 April 2006.

## **Corporate Priorities**

8. These proposals will ensure that there is improvement in the planning, openness, propriety, speed and effectiveness of decision-making.

9. **Implications**

- **Financial** None
- **Human Resources (HR)** None
- **Equalities** None
- **Legal**  
Failure to approve the amendments will mean that the decisions of the Full Council on 27 April 2006 are not implemented and that there will be drafting errors in the Constitution

- **Crime and Disorder** None
- **Information Technology (IT)**  
Hard copies of the amended pages are to be circulated to Members of Council and the Corporate Management Team. The electronic versions of the Constitution will be amended to reflect the schedule attached.
- **Property** None
- **Other** None

## Risk Management

10. It is difficult to assess the risk of having an inaccurate Constitution. If the recommendations of the 27 April 2006 are not implemented then a further report would be required to advise Council of the implications.

## Recommendations

11. That the amendments to the Constitution set out in the Schedule attached (Annex 1) are approved.

Reason: To implement the decision of Full Council on 27 April 2006 and ensure that the Constitution is accurate.

## Contact Details

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Report Approved

Date 20/6/06

Tel No. 551004

### Specialist Implications Officer(s) *List information for all*

*Implication ie Financial*

*Implication ie Legal*

*Name*

*Name*

*Title*

*Title*

*Tel No.*

*Tel No.*

**Wards Affected:** *List wards or tick box to indicate all*

All

**For further information please contact the author of the report**

### Background Papers:

None

## **Annexes**

Annex 1 – Schedule of Amendments to the Constitution.