

Division(s):

## **CABINET – 24 MAY 2011**

### **CABINET SCHEME OF DELEGATION AND CHANGES TO THE CIRCULATION OF THE CONSTITUTION**

#### **Report by the Monitoring Officer**

##### **Introduction**

1. This report addresses two issues related to the Council's Constitution, as considered recently by the Council's Political Group Leaders.
2. Firstly, it proposes a change to the Scheme of Delegation for Individual Cabinet Member Decisions to allow greater flexibility for the Leader to nominate any other member of the Cabinet to take the place of an appointed member, if the relevant delegated decision maker is unavailable.
3. Secondly, it proposes that the current circulation of hard copies of the Council's Constitution be ended in favour of a single electronic master copy on the Council's website.

##### **Cabinet Scheme of Delegation – Individual Cabinet Member Decisions**

4. Part 4.4 of the Constitution specifies that only the Leader or Deputy Leader of the Council may take the place of an individual Cabinet member at a delegated decisions meeting if that member is unable to attend once an agenda is published. Otherwise, the decision would stand referred to the next scheduled meeting of the Cabinet unless the relevant Cabinet Member could be present to take a decision on a date before that next scheduled meeting of Cabinet.
5. Therefore, if a Cabinet member is at short notice unable – for example through illness - to take decisions once an agenda had been published then only the Leader or Deputy Leader could take the decision. However, it is very possible that other members of the Cabinet may already be sufficiently briefed about the issues to be able to take the relevant decision, if the Constitution permitted this.
6. This example highlights an area where the Constitution could perhaps be amended to allow greater flexibility in the interests of the public, allowing decisions to be taken as published, by appropriately briefed members, without any undue delay.

*Suggested amendment*

7. It is therefore suggested that Part 4.4 (2) (b) be reworded by the introduction of the following underlined words into the current text:

“Should a Cabinet Member not be able to be present to take decisions within her/his portfolio for which an agenda has already been published, the Leader or the Deputy Leader (or an alternative member of the Cabinet nominated by the Leader) shall be permitted to attend in her/his place. If, however, neither the Leader nor the Deputy Leader (nor any alternative Cabinet Member nominated by the Leader) can be present, the decision shall be made by the Cabinet at its next scheduled meeting unless the original Cabinet Member can be present to take a decision on a date which is before the next meeting of the Cabinet.”

### **Electronic copy of the Council’s Constitution**

8. Not all County Councillors find a hard copy useful and it possible that personal hard copies are not always updated. Nevertheless, access to a personal copy may well be valuable to some.
9. In the changing local government environment, it is also possible that amendments to the Constitution will be a regular occurrence and although the standards regime and Code of Conduct are to be repealed under the Localism Bill, adherence to the local Constitution will still be a requirement for councillors.
10. It is therefore recommended by Political Group Leaders that the Council moves to a position whereby a single up to date electronic copy is maintained and to which councillors, the public and officers all refer.
11. This would free councillors from maintaining their own copy and potentially create a modest saving. However, personal copies could still be produced for those who wished them and perhaps for those holding special responsibilities within the decision-making process e.g. Cabinet members, committee chairmen etc. who have particular need to understand their obligations. A single hard copy for the members’ resource centre and/or for each group room could be provided.
12. This must be balanced against the need to encourage councillors to maintain their responsibility to be familiar with the Constitution and their requirements under it.
13. Currently, it costs approximately £1,000 for the one-off costs of the (over 150) sets of binders and dividers (for councillors and staff) and approximately £950 for a print run of the entire contents for that number of copies.
14. Political Group Leaders therefore recommend that in the interests of efficiency and cost savings this change is made.

## **RECOMMENDATION**

- 15. Cabinet is RECOMMENDED to recommend Council:**
- (a) to amend Part 4.4 of the Council's Constitution to effect the changes to the 'Delegated Decisions by Individual Cabinet Members' referred to in paragraph 7 above;**
  - (b) to agree that the website copy of the Constitution should be the master copy, that the routine circulation of hard copies should cease and that the Monitoring Officer be asked to amend the Constitution to make clear that the website copy is the definitive version.**

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