

To: **Members of the Constitutional Sub-Committee**
Councillors: C Fitzsimmons (Chair), B Axcell,
P Bretherton, J Joyce, P Kennedy

Diana Terris
Chief Executive

Town Hall
Sankey
Street
Warrington
WA1 1UH

Constitutional Sub-Committee
Tuesday, 3 April 2012 at 4.30 pm
Tea Room, Town Hall, Warrington

Agenda prepared by Sharon Parker Councillor Services Manager Telephone:
(01925) 442161, Fax: (01925) 656278, E-mail: szparker@warrington.govuk

AGENDA

Part 1

Items during the consideration of which the meeting is expected to be open to members of the public (including the press) subject to any statutory right of exclusion.

1. Code of Conduct - Declarations of Interest

Members are reminded of their responsibility to declare any personal or prejudicial interest that they have in any item of business on the agenda no later than when the item is reached.

2. Minutes

To receive the minutes of the meeting held on 7 February 2012

3. Update to the Constitution

Report of the Solicitor to the Council

Part 2

Items of a "confidential or other special nature" during which it is likely that the meeting will not be open to the public and press as there would be a disclosure of exempt information as defined in Section 100I of the Local Government Act 1972.

Nil



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INVESTOR IN PEOPLE



WARRINGTON BOROUGH COUNCIL

Constitutional Sub Committee

3 April 2012

Report of the: Timothy Date - Solicitor to the Council
Report Author: Sharon Parker
Contact Details: **Email Address:** szparker@warrington.gov.uk **Telephone:** 01925 442311
Ward Members: All

TITLE OF REPORT: Update to the Constitution

1. PURPOSE

1.1 To provide the Sub Committee:

(1) With an outline of the report to be presented to the Annual Meeting of the Council on 21 May 2012 dealing with the re-adoption of the Constitution and;

(2) With an opportunity to input into the process prior to the Annual Meeting.

2. CONFIDENTIAL OR EXEMPT

2.1 Not confidential or exempt.

3. INTRODUCTION AND BACKGROUND

3.1 The Council's current Constitution was submitted to the Council at the meeting held on 29 October 2007 and was then adopted as the Constitution for Warrington Borough Council with effect from 30 October 2007.

3.2 Since the Annual Meeting in 2010 the Council has followed the practice of readopting the Constitution and the Scheme of Delegation at each subsequent Annual Meeting.

3.3 Consequently the Constitution was formally readopted on 17 May 2010 and 23 May 2011.

4. REVISED CONSTITUTION

The Constitution to be submitted the Annual Meeting of the Council on 21 May 2012 will cover a series of areas including:

- In year changes agreed by Council
- Legislative changes including the Localism Act
- Tidying up of consequential changes

- Any other proposed changes

4.1 Scheme of Delegation – Financial and Contract Procedure Rules

- 4.1.1 A report will be presented to Council on 26 March 2012 which will seek to review the above documents. If approved the documents will form part of the revised Constitution.

4.2 Localism Act 2011

- 4.2.1 Although the Localism Act has received Royal Assent there are still many provisions that are not yet in force. There is the strong possibility that some of those provisions could be enacted at short notice. It is therefore highly likely that there will be further changes to the Constitution during the new Civic Year 2012/13. In particular there will be changes to the Standards regime.

4.3 Changes to the Constitution during the Current Civic Year 2011/12

- 4.3.1 During the year there have been a series of changes made by Council including the following:

Street trading

Council on 31 October 2011 gave approval to amend the Constitution to enable certain licensing applications to be dealt with by the Chair and Deputy Chair of Licensing Committee without the need for a hearing before the Committee.

Revised Procedure for Development Management

Council on 12 December 2011 agreed to revisions to how both the Development Management Committee and Planning Applications Sub Committee operated. This included extending the membership of the Sub Committee

4.4 Changes to the Council's governance arrangements

- 4.4.1 Following the abolition of Cheshire Police Authority in November 2012 and the establishment of the Police and Crime Panel changes will be required to the Constitution from July 2012 to allow the newly formed Panel to operate effectively.
- 4.4.2 Further changes may also be required in the Autumn of 2012 to allow for a revised governance structure for the Authority.

4.5 Scrutiny and Petition Changes

- 4.5.1 Various scrutiny changes not yet added to Constitution, including changes to Councillor Call for Action, establishment of Statutory Scrutiny Officer and Flood Risk management role.
- 4.5.2 Review of petitions arrangements is no longer statutory, but the Council may wish to consider continuing with the existing scheme.

5. EQUALITY AND DIVERSITY / EQUALITY IMPACT ASSESSMENT

5.1 The aim of the review is to encourage inclusive and full participation of all members.

6. REASONS FOR RECOMMENDATION

6.1 To ensure that the Constitutional Sub Committee are fully consulted and engaged in the review process and are equipped to make a recommendation to Council.

7. RECOMMENDATION

7.1 That the Sub Committee consider the report, and note and comment upon those issues that will need to be further addressed in Municipal Year 2012/13.

11.	Clearance Details:	Name	Consulted		Date Approved
			Yes	No	
	Chair of Constitution Sub Committee	Councillor Fitzsimmons			
	SMB				
	Relevant Executive Director	Katherine Fairclough			
	Solicitor to the Council	Tim Date	y		26/03/12
	S151 Officer	Lynton Green			
	Relevant Assistant Director	n/a			

CONSTITUTIONAL SUB-COMMITTEE - 7 February 2012

Present: Councillors C Fitzsimmons (Chair), J Joyce, P Kennedy and P Walker (substitute member)

CSC 7 Apologies

Councillors B P Axcell and P Bretherton

CSC 8 Code of Conduct – Declarations of Interest

There were no declarations of interest received.

CSC 9 Minutes

The Minutes of the meeting held on 31 August 2011 were signed and agreed as a correct record.

CSC 10 Financial Regulations

The Sub-Committee received a report of the Chief Finance Officer on the proposed revisions to the council's financial and contract procedure rules.

Decision: That the Sub Committee agreed the revisions to the financial and contract procedure rules with the revised procedure rules, as amended to be submitted to the Audit and Corporate Governance Committee on the 15 March 2012.

CSC 11 Executive Board and Committee Review

The Sub-Committee received a report from Councillor R Bowden, Executive Member for Corporate Assignments, on the outcome of the consultation on the proposed programme for the Executive Board and Committee review to enable the Sub Committee to make recommendations to the Audit and Corporate Governance Committee on 23 February 2012 and Council on 26 March 2012.

In considering the report Members noted that there was positivity for the proposed new governance arrangements particularly from Councillors themselves. Some consultees had made specific recommendations around the size of the Executive Board and the portfolio titles. Comments had further been made about representation on policy committees and OSC and how they will operate.

Decision: That a report be submitted to the Audit and Corporate Governance Committee on 23 February 2012 and Council on 26 March 2012 detailing the new structure and working arrangements.

Signed

Dated.....