

KIRKLEES METROPOLITAN COUNCIL

Council:

15 May 2002

Constitution - Anticipated Amendments

Wards Affected: All

Status of Report: Public

KEY FACTS AND OFFICER ADVICE:

1. The covering report circulated with the draft Constitution for consideration at this Annual Council meeting refers to the possibility of a separate paper dealing with proposed amendments. This is that paper.
2. Discussions which have been held with and between political group leaders indicate that the following amendments to the draft Constitution are likely to be proposed at the meeting:-
 - (i) The appointment of a Grants Advisory Committee and a Devolution Advisory Committee with membership and terms of reference as set out in the Appendix to this report.
 - (ii) The arrangements for membership of appointments panels (see under Personnel Committee in Section 3 of the Constitution relating to Responsibility for Functions) to be changed so that the membership will be in each case "the Leader or the Leader's nominee, together with at least two other members of the Council selected by the Committee Services Manager in consultation with the Chair of the Personnel Committee. The Chair of Overview and Scrutiny may select a representative to attend as observer".
 - (iii) Membership of the Overview and Scrutiny Committee (see Article 6.1.2 is proposed to be changed so that it "shall comprise the Chair of Overview and Scrutiny and eleven other elected members. The Committee shall appoint from its members, the Chairs of the standing Overview and Scrutiny Panels listed below and the Lead Member for Overview and Scrutiny of Health".

This will then require a further amendment relating to the membership of the Overview and Scrutiny Management Group (see Article 6.2.2) to read that it "will be the Chair of Overview and Scrutiny and three other members of the Overview and Scrutiny Committee who may all be

members of different political groups, subject to compliance with the statutory requirements relating to establishment of non-politically balanced sub-committees."

- (iv) It is proposed that the Chairs of the standing Overview and Scrutiny Panels should not be from the parties in the Cabinet. This will require an addition at the end of Article 6.1.2 as follows:

"Those Chairs and the Lead Member shall not be members of any of the political groups represented on the Cabinet."

It will be noted that the Article provides that the chairs are to be selected from the members of the O&S Committee. This means that if the amendment is agreed, unless, as it is understood is proposed, that Committee is agreed to be not politically balanced, its membership will have to be increased to 18 to allow the appointments of chairs as proposed.

- (v) Amendments to the Cabinet portfolios which are set out in Part 3 of the draft Constitution (responsibility for functions) may also be proposed. In addition, in preparing for this meeting of the Council, it has become apparent that there is a need for an adjustment in the arrangements. Although the portfolios will be determined by the Council (See Article 7.2.2 in Part 2 of the draft Constitution) it is important for practical purposes and the efficiency of the operation of the Cabinet that the Leader has an ability to make some amendments to the portfolios. It is therefore proposed that Article 7.2.2 be amended to read "each Cabinet member will be appointed by the Council to be responsible for a specific portfolio of functions. The Leader may make adjustments to the detail of those portfolios or add additional responsibilities as he/she considers appropriate in the light of operational need. Any such changes shall be reported to the next meeting of the Council. Only the Council may make any other changes to those portfolios."

3. It has also been noted that there is an omission in the Contract Procedure Rules. There is no requirement made for reporting of contracts which have been awarded without competition because they come within the listed exemptions. This therefore requires an addition to the list of reports required under Rule 11.3, as follows:-

"11.3 (e) details of all contracts awarded for supplies of £10,000 or above which a Head of Service considered to be exempt from the competitive requirements by virtue of Rule 8.1, including the reason for the exemption."

4. **IT IS RECOMMENDED** that the Council consider these and any other amendments and the Solicitor to the Council be authorised to amend the wording of the approved draft Constitution accordingly and to make any consequential drafting amendments which may be required before the final Constitution is printed and distributed.

CONSULTEES: Political Group Leaders

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APPENDIX

GRANTS ADVISORY COMMITTEE

Membership

7 Members of the Council

Terms of Reference

To consider applications for any grant or type of grant which the Cabinet may decide should be referred to the Committee, and to advise the Cabinet on how those applications should be determined.

DEVOLUTION ADVISORY COMMITTEE

Membership

9 Members of the Council

Terms of Reference

1. To consider and advise the Council and the Cabinet (as appropriate) on:-
 - (i) the arrangements for involvement and consultation of local communities through Area Committees;
 - (ii) the structure and operation of those committees; and
 - (iii) delegation of appropriate budgets and decision making powers to those committees.
2. To act as the financial delegation commission agreed by resolution of the Council at its meeting on 24 April 2002 for consideration of a needs formula relating to the delegation of budgets and the submission of proposals for delegations in respect of each service area and to advise the Council and the Cabinet (as appropriate) on those matters.

CONSTITUTION - AMENDMENT

Amendment to Article 6 of the Constitution

Insert new paragraph 6.3.2:

The Chairs of the Standing Scrutiny Panels will be known as the Lead Members for the relevant functions.