



Proposed Amendments to the Constitution

RECOMMENDATION

To approve the amendments to the Constitution set out in Appendix 2.

SUPPORTING INFORMATION

- 2.1 It is customary to review and, where necessary, amend the Constitution at each Annual Meeting of the Council. The following amendments are proposed and the details are shown in Appendix 2.

Performance Management of the Chief Executive

- 2.2 When the Chief Executive was appointed, it was agreed by the political group leaders that there should be a system in place for managing his performance against agreed objectives and monitoring behaviour against required leadership and management competencies. An amendment to the Protocol on Member/Officer Relations is proposed.

Amendments to Part 3 of the Constitution : Responsibility for Functions and Scheme of Delegations

- 2.3 A revised version of Part F of Part 3 of the Constitution is attached as Annex A.
- 2.4 At its meeting on 1 March 2010, Council delegated to me the power to apportion delegated duties and responsibilities to senior officers within the new departmental structure from 1 May 2010 pending final ratification at the Council's Annual Meeting. The document at Annex A does this. In addition, the opportunity has been taken to update the delegation scheme by removing duties and responsibilities that no longer exist and adding new ones required by legislation e.g. the transfer of the functions of Learning and Skills Councils to local education authorities.
- 2.5 An amendment is proposed to the delegations to the General Licensing Committee. Under the current delegations, the General Licensing Committee must make proposals to full Council on policy matters, whereas the Taxi Licensing and Appeals Committee is able to approve or amend policies itself. It is proposed to make the delegations consistent for the two committees by delegating the approval or amendment of policies to the General Licensing Committee. Major policies, such as the Licensing Policy Statement, would continue to be approved by full Council.

Statutory Petitions Scheme

- 2.6 Elsewhere on the Council Agenda is a report on the adoption of a Statutory Petitions Scheme. Amendments are needed to various parts of the Constitution and it is proposed to include the Scheme in the Codes and Protocols section of the Constitution.

Corporate Parenting Sub Commission

- 2.7 It is proposed to disestablish the Corporate Parenting Sub Commission because the Council has now established a partnership-based Corporate Parenting Board including the chair of the Children and Young People Commission.

For more information contact:	Steve Dunning Tel 01332 255462 email steve.dunning@derby.gov.uk
Background papers:	None
List of appendices:	Appendix 1 – Implications Appendix 2 – Proposed Amendments to the Constitution Recommended to Full Council on 26 May 2010

IMPLICATIONS

Financial

1. None

Legal

- 2.1 Under Article 15, changes to the Constitution can only be approved by the full Council after consideration of a report by the Monitoring Officer.
- 2.2 The duty to respond to petitions, including approving a Petitions Scheme, is set out in the Local Democracy, Economic Development and Construction Act 2009 and associated regulations.

Personnel

3. None

Equalities Impact

4. None

Corporate Themes and Priorities

5. The Constitution underpins and facilitates many of the Council's Corporate Values and Priorities.

**PROPOSED AMENDMENTS TO THE CONSTITUTION
RECOMMENDED TO FULL COUNCIL ON 26 MAY 2010**

1. Performance Management of the Chief Executive

Amend the Protocol on Member/Officer Relations by the insertion of a new paragraph 18 below and renumber subsequent paragraphs:

18. The relationship between the Chief Executive and Members is especially sensitive. In recognition of this, it is sensible to have formal arrangements for the management of the performance of the Chief Executive by the Leader of the Council. The Leader of the Council may invite such other Members to participate in this process as s/he thinks fit. Normally, the process will involve three formal meetings per year and will follow the format of performance management arrangements for other employees. It will consist of the setting of clear objectives and the monitoring and appraisal of performance against them, together with consideration of behaviour against the required leadership and management competencies. The process will be supported by the Service Director, Human Resources, who will record the meetings.

2. Amendments to Part 3 of the Constitution : Responsibility for Functions and Scheme of Delegations

Amend Part 3 as set out in Annex A.

3. Statutory Petitions Scheme

Part 1 Summary and Explanation : Citizens' Rights

Add the following bullet point

- submit a petition if they live, work or study in the city

Article 3 – Citizens and the Council

Add the following sub paragraph to paragraph 3.1

5. Petitions. Those who live, work or study in the city have a right to submit a petition to the Council which will be dealt with in accordance with the Petitions Scheme.

Article 4 – The Full Council

Add the following to the list in paragraph 4.2

- r. considering petitions in accordance with the Petitions Scheme

Article 6 – Overview and Scrutiny Commissions

Add the following sub paragraph to paragraph 6.3

6. Petitions. Overview and scrutiny commissions will consider petitions in accordance with the Petitions Scheme.

Part 3 Part A Matters Reserved to the Council

Add the following to the list

- r. Considering petitions in accordance with the Petitions Scheme

Part 3 Part D Matters that are delegated to the Overview and Scrutiny Commissions

Add the following to the list relating to overview and scrutiny commissions

- 7) consider petitions in accordance with the Petitions Scheme

Part 4 Council Procedure Rules

Add the following to the list under Rule CP4

- f. consider petitions in accordance with the Petitions Scheme (renumber subsequent points)

Part 4 Overview and Scrutiny Procedure Rules

Add the following to the list under Rule OS48

- f. petitions in accordance with the Petitions Scheme.

Corporate Parenting Sub Commission

Part 3 Part D Matters that are delegated to the Overview and Scrutiny Commissions

Delete all delegations to the Corporate Parenting Sub Commission.