


Agenda Item No:	15	
Committee:	Council	
Date:	19th July 2018	
Report Title:	Constitutional Amendments	

1. Purpose/Summary

For Full Council to approve proposed changes to the Constitution.

2. Key Issues

- In order to comply with good principles of governance and to ensure that overall accuracy and relevance of the Constitution, it is necessary to consider periodic updates and amendments.
- At the last meeting of Full Council members approved an amendment to Part 3 of the Constitution introducing a new function for the Leader in relation to the Cambridgeshire and Peterborough Combined Authority. In particular, Members were asked to approve the incorporation of the Combined Authority into the Leader's Portfolio and, to enable him to take urgent decisions relating to it. It has since been identified that the same provisions could usefully be extended to all portfolio holders in order to ensure that there are adequate provisions in place for executive decisions to be taken by individual Cabinet Members in urgent circumstances.
- These powers would only be called upon in exceptional circumstances as set out below.
- These amendments do not affect the urgency powers of the Chief Executive.

3 Recommendations

The report recommends the following amendments for approval and to delegate to the Monitoring Officer to update the Constitution:

Page F.41 - Part 3, Responsibility for Functions - Table 5 - Functions Delegated to All Portfolio Holders

Insert a new heading under 'All Portfolio Holders' to read:

"All portfolio holders, including the Leader, have delegated authority to take executive decisions on behalf of the Council in circumstances where the matter is urgent. A decision will be urgent if any delay would seriously prejudice the Council's or the public interest. The request for a decision to be deemed urgent will be considered by the Chairman of the Overview and Scrutiny Panel (in accordance with Rules of Procedure 2 and 5) and the relevant member of the Corporate Management Team/Chief Executive who will take into account the reasons provided. The decision will only be taken if the Chairman of the Overview and Scrutiny Panel and the relevant member of the Corporate Management Team/Chief Executive agree that the decision is a matter of urgency. The

decision will be recorded via a Cabinet Member Decision Notice and the public record of the decision will state:

- (a) Why in the opinion of the decision making person and the relevant member of Corporate Management Team/Chief Executive, the decision is urgent; and
- (b) The consent of the Chairman of the Overview and Scrutiny Panel.

In the absence of the Chairman of the Overview and Scrutiny Panel, Rules of Procedure 2 will apply.”

Delete the heading ‘The Leader’ and paragraph 1 directly below that.

Wards Affected	All
Forward Plan Reference	
Portfolio Holder(s)	Councillor Chris Seaton, Leader of the Council
Report Originator(s)	Carol Pilson, Corporate Director and Monitoring Officer
Contact Officer(s)	Paul Medd, Chief Executive Carol Pilson, Corporate Director and Monitoring Officer
Background Paper(s)	Fenland District Council Constitution