

## **Standards Committee – 7 October 2013**

### **Review of the Constitution – Part 3 – Responsibility for functions (excluding Delegations to Officers)**

#### **1. Summary of report**

- 1.1 This is the second report relating to the review of the Constitution which will be continuing throughout the forthcoming municipal year.
- 1.2 This report reviews Part 3 of the Constitution – Responsibility for functions, excluding delegations to officers which falls within the remit of the Audit Committee.

#### **2. Recommendation**

That the amendments contained within this report be approved for inclusion in the updated Constitution to be recommended to Council at its Annual Meeting in June 2014.

#### **3. Report detail**

- 3.1 Part 3 of the Constitution relates to responsibility for functions. The Local Authorities (Functions and Responsibilities) (England) Regulation 2000, specify which functions are not to be the responsibility of the Executive, those which may (but need not) be the responsibility of the Executive, these are known as “local choice functions”, and all other functions not so specified which are the responsibility of the Executive. The Executive arrangements set out in the Constitution make clear how the responsibility for all such functions are allocated.
- 3.2 The tables set out in the Constitution provide a means of showing clearly where functions lie. Table 1 covers the local choice functions; Table 2 covers functions which are not the responsibility of the Executive; Table 3 covers Executive responsibilities; Table 4 covers a range of Advisory and Statutory Committees and bodies established by the Council or of which the Council is a member or appoints membership; Table 5 covers delegations to officers; and Table 6 covers Joint Arrangements.

#### **4. Proposed amendments**

##### **4.1 Table 1**

- (a) Add the following after function 4:

<b>Function</b>	<b>Decision making body</b>
5. The making of arrangements pursuant to Section 95(3) of the Schools Standards and Framework Act 1998 (children to whom Section 87 applies) appeals by governing bodies against any decision to admit to the school such children to whom, at the time when the decision is made Section 87(2) applies.	Exclusion Appeals Panel

The addition of this function relates to pupils who have been twice excluded from a particular school.

- (b) Delete function 6 – “Arrangements for the appointment of Police Authorities.

This function is deleted as the Police Reform and social Responsibility Act 2011 transferred the control of police forces from police authorities to elected Police and Crime Commissioners.

- (c) Delete function 7 – “Best value reviews”

This function was repealed by Section 140 of the Local Government and Involvement in Public Health Act 2007.

#### 4.2 **Table 6**

The amendment to Table 6 is a result of the revised Constitution of the West Midlands Joint committee which reflects changes required to the Localism Act 2011 in relation to strategic planning and cross boundary infrastructure matters which must now be dealt with via the “Duty to co-operate”. The annex to the Constitution details the functions of the Joint Committee taking into account the establishment of a Shadow Integrated Transport Authority Board.

#### 5. **Resource and legal considerations**

None directly related to this report.

#### 6. **Performance and risk management**

Performance and risk management are a feature of all Council functions. It is important that Council policies and procedures are reviewed and updated on a regular basis. If the Council fails to do this there is an increased risk that the Council will be subject to legal challenge or litigation. In terms of performance it is important that elected members have a clear framework of standards to follow in delivering services to the community. These frameworks provide accountability and transparency in respect of the way in which the Council deliver services. The Constitution is a key part of this framework of internal control.

## 7. Equality implications

In maintaining up-to-date policies and procedures the Council will ensure that services are delivered fairly in an open and transparent manner. There are specific requirements in both codes in relationship to equalities that elected members and officers must observe.

### Background papers

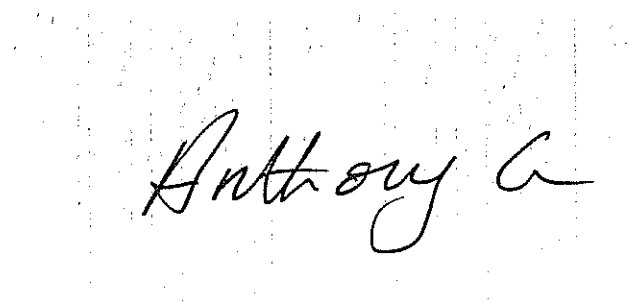
Walsall Council Constitution

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A handwritten signature in black ink, appearing to read 'Anthony A.', is centered on the page. The signature is written in a cursive style with a large, looped 'A' at the end.

Signed:

Head of Legal and Democratic Services and  
Monitoring Officer

27 September 2013