

CABINET MEETING – 6 APRIL 2011 EXECUTIVE SUMMARY SHEET – PART I	
Title of Report: Update to the Constitution	
Author(s): Executive Director of Commercial and Corporate Services	
Purpose of Report: To update the delegations to the Head of Law and Governance as set out in Part 3 of the Constitution.	
Description of Decision That Council be recommended to note and endorse: <ul style="list-style-type: none"> (i) the amendment of paragraph 4.1(a) to (c) of the delegations to the Head of Law and Governance as set out in Part 3 of the Constitution to read as follows:- <div style="margin-left: 40px;"> "4.1 (a) To institute, defend or participate in all proceedings, including appeals, in any Court or Tribunal. Where proceedings are instituted on behalf of the Council in the Court of Appeal or the Supreme Court, a report on the institution of such proceedings pursuant to this paragraph shall be submitted to Cabinet for information." and </div> (ii) the re-lettering of the remaining sub-paragraphs of 4.1 accordingly. 	
Is the decision consistent with the Budget/Policy Framework? *Yes/No	
If not, Council approval is required to change the Budget/Policy Framework	
Suggested reason(s) for Decision: To ensure that the delegations to the Head of Law and Governance are up to date.	
Alternative options to be considered and recommended to be rejected: There are no alternative options to consider.	
Is this a "Key Decision" as defined in the Constitution? Yes/No Is it included in the Forward Plan? Yes/No	Relevant Scrutiny Committee: Management

UPDATE TO THE CONSTITUTION

Report of Executive Director of Commercial and Corporate Services

1. PURPOSE OF REPORT

- 1.1 To update the delegations to the Head of Law and Governance as set out in Part 3 of the Constitution.

2. DESCRIPTION OF DECISION

- 2.1 That Council be recommended to note and endorse:

- (i) the amendment of paragraph 4.1(a) to (c) of the delegations to the Head of Law and Governance as set out in Part 3 of the Constitution to read as follows:-

"4.1 (a) To institute, defend or participate in all proceedings, including appeals, in any Court or Tribunal. Where proceedings are instituted on behalf of the Council in the Court of Appeal or the Supreme Court, a report on the institution of such proceedings pursuant to this paragraph shall be submitted to Cabinet for information." and

- (ii) the re-lettering of the remaining sub-paragraphs of 4.1 accordingly.

3. CURRENT POSITION

- 3.1 The delegations to the Head of Law and Governance require updating to reflect that the Supreme Court has replaced the Appellate Committee of the House of Lords as the final court of appeal for all UK civil cases and criminal cases from England, Wales and Northern Ireland. This is also an opportunity to consolidate and simplify the delegations in respect of the conduct of proceedings in the various Courts and Tribunals which are currently contained in paragraph 4.1(a) to (c) of Part 3 of the Constitution.

4. REASON FOR THE DECISION

- 4.1 To ensure that the delegations to the Head of Law and Governance are up to date.

5. **ALTERNATIVE OPTIONS**

- 5.1 There are no alternative options to consider.

6. **RELEVANT CONSIDERATIONS / CONSULTATIONS**

- 6.1 The views of the Head of Law and Governance have been incorporated in this report.

7. **BACKGROUND PAPERS**

Constitution of Sunderland City Council.