

MEETING OF THE COUNCIL**16 OCTOBER 2013****REPORT OF THE MONITORING OFFICER****CONSTITUTION UPDATE 2013-14****1.0 PURPOSE OF THE REPORT**

- 1.1 At its meeting on 24 September 2013, the Governance Committee considered four items relating to the Council's Constitution being the introduction of a new Redaction Policy, the establishment of a Tenant Consultative Working Group, updated Members' Allowances following the NJC pay award and some amendments to pages 75-81 of the Financial Procedure Rules. The Governance Committee approved the 4 recommendations presented.
- 1.2 Since the Governance Committee meeting, with regard to the amendments to the Financial Procedure Rules, a further change is proposed which removes the duplication in paragraphs 5.36 and 5.38 and this is reflected in the updated Appendix D.
- 1.3 Following adoption of the politically balanced Tenant Consultative Working Group, 6 Members be appointed as listed at paragraph 3.5.

2.0 RECOMMENDATIONS

- 2.1 **To adopt the following four constitutional items as referenced in paragraphs 3.3, 3.4, 3.6 and 3.7 of this report :-**
- (a) Redaction Policy at Appendix A;**
 - (b) the establishment of a Tenant Consultative Working Group with the Terms of Reference as set out at Appendix B and for clarity this also include the provision for a show of hands to indicate the group's preference;**
 - (c) the revised Members' Allowances Scheme following the NJC 1% pay increase as set out at Appendix C;**
 - (d) the amended Financial Procedure Rules, pages 75-81 as set out at Appendix D including a further change which removes the duplicated information in the existing paragraphs 5.36 and 5.38.**
- 2.2 **To appoint 6 Members to the politically balanced Tenant Consultative Working Group.**

3.0 KEY ISSUES

- 3.1 Since the last review of the Constitution in April 2013 and the follow on items approved at Full Council on 17 July 2013, four items have been collated and

considered by the Governance Committee at its meeting on 24 September 2013. As the Constitution is a living document, such proposed changes will be brought to the Committee's attention, and subsequently to the Council, as soon as these come to light to enable the Council's work to move forward rather than await an annual review.

- 3.2 The Committee has approved the four recommendations for amending the Constitution and is referring these with some secondary smaller changes to Appendices B and D (as explained in paragraphs 3.4 and 3.7) to the Full Council for adoption.
- 3.3 A Redaction Policy has been produced to meet the requirements of the Data Protection Act 1998, the Freedom of Information Act 2000, Article 8 of the Human Rights Act 1998 and Part 1 of Schedule 12A of the Local Government Act 1972 (Access to Information: Exempt Information) and particularly to protect the personal details of individuals. The policy offers three options of how to present personal information for decision-making and gives guidance as to what should remain confidential. The policy is available at Appendix A.
- 3.4 Following discussions between the Chair of the Tenants' Forum Executive Committee (TFEC), Officers and Chair of the Community and Social Affairs Committee (CSA) it has been suggested that a new Tenant Working Group be established to strengthen the relationship between Tenants and the Council. Whilst this would not be a decision-making body, Tenants have requested that a show of hands to indicate preferences, be allowed at this meeting, so that Tenants' views can properly be reflected through to the CSA Committee when decisions are being made and Members' views are sought on this and for clarity this has also been reflected in the Terms of Reference document.
- 3.5 Following approval of the Terms of Reference of the Tenant Consultative Working Group, 6 Councillors are to be appointed on a politically balanced basis as follows and nominations are requested at this meeting :-
 - 4 Conservative
 - 1 Labour
 - 1 Independent
- 3.6 In October 2012, the Council approved a new Members' Allowances Scheme which included index linking to the NJC Pay Award. Therefore further to the 1% Pay Award that was agreed in July 2013 and backdated to 1 April 2013, the Members' Allowances Scheme as set out in Part 6 of the Constitution has been updated to reflect the new allowances. The updated scheme is at Appendix C.
- 3.7 As a result of a recent internal audit on inventories, the guidance and forms utilised have reviewed and updated. In addition the Assets and Inventories section of the Financial Procedure Rules have been updated. The main changes are to increase the value of the asset that needs to be recorded in the inventory from £50 to £100, as this amount has not been reviewed for some years, and to link the key controls relating to land to the Council's land acquisition and disposal policy. Requests for disposal of stocks or equipment, outside of competitive quotes or auction has also been changed from approval by the Chief Executive to the Management Team to reflect the practice that is usually followed. The amended Financial Procedure Rules, pages 75-81, are attached at Appendix D and these pages also reflect a further change from

those presented at the Governance Committee which removes the duplicated information at paragraphs 5.36 and 5.38.

4.0 POLICY AND CORPORATE IMPLICATIONS

4.1 The Constitution is subject to annual review however due to it being a living document there are times when amendments are needed to enable the organisation to function efficiently. Therefore as well as the annual review, items will be referred to the Committee as required.

5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

5.1 Any financial and resource implications will be met from existing resources.

6.0 LEGAL IMPLICATIONS/POWERS

6.1 Any change in legislation overrides the current wording of the Constitution and the Monitoring Officer has delegated authority to make amendments as required by the law. Therefore such legal consequential changes will be put in place immediately and reported to the Committee as soon as possible thereafter.

6.2 Specific legal implications relating to each proposed amendment are taken into account when considering the relevant item.

7.0 COMMUNITY SAFETY

7.1 There are no community safety implications relating to this report.

8.0 EQUALITIES

8.1 Equalities impact screening assessments have been completed in respect of the matters contained within this report.

9.0 RISKS

9.1 Any risk implications relating to each proposed amendment are taken into account when considering the relevant item.

10.0 CLIMATE CHANGE

10.1 The Constitution is available on the Council's website and electronically to Members and Officers to meet the Council's corporate commitment to access information digitally and reduce paper usage.

11.0 CONSULTATION

11.1 With regard to the Redaction Policy, there has been consultation with relevant corporate groups including Information Management and Corporate Governance.

11.2 With regard to the format of the Tenant Working Group, there has been consultation with the Tenants' Forum.

12.0 WARDS AFFECTED

12.1 All wards are indirectly affected by this report.

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Date : October 2013

Appendices : Appendix A Redaction Policy
Appendix B Tenant Working Group – Terms of Reference
Appendix C Members' Allowances Scheme 2013
Appendix D Financial Procedure Rules, Pages 75-81

Background Papers : Constitution 2013
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