

GOVERNANCE COMMITTEE

18 NOVEMBER 2014

REPORT OF THE MONITORING OFFICER

CONSTITUTION UPDATE 2014-15

1.0 PURPOSE OF THE REPORT

1.1 The Committee is requested to consider constitutional items and those agreed be referred to the Council for approval to be incorporated into the Council's Constitution.

2.0 RECOMMENDATIONS

2.1 To consider whether to agree that item 11 be removed from the Policy, Finance and Administration Committee's delegations due to this function now being carried out by the Governance Committee and for clarity the Governance Committee's item 3 delegation be amended to include the words 'and approve' as set out below in red and refer these amendments to the Full Council for approval and inclusion in the Council's Constitution :-

PFA Committee

Remove :

11. *To consider and approve the Council's Statement of Accounts.*

Governance Committee

Amend :

3. *To review **and approve** the Financial Statements, External Audit opinion and report to Members and monitor Management Action in response to any issues raised.*

2.2 To consider whether to agree the following additions, shown in red below, to the General Delegations in connection with Staffing Matters within Part 3 at page 5 of the Officer Delegations and refer the same to the Full Council for approval and inclusion in the Council's Constitution :-

<i>In consultation with Management Team, to approve minor additions to the staff establishment subject to :-</i>	<i>Chief Executive</i>
<i>(1) There being adequate budgetary provision OR</i>	
<i>(2) In each case the gross cost not exceeding £5,000 per annum when implemented AND</i>	
<i>(3) The total cost in any financial year not exceeding the sum of £20,000 AND</i>	
<i>(4) Members of the Policy, Finance and Administration Committee being informed of any such changes when updated copies of the Council's staff list are issued.</i>	

- 2.3 (a) To consider whether to agree the following new Officer Delegation to the Head of Communications in consultation with the Head of Central Services and refer the same to the Full Council for approval and inclusion in the Council's Constitution :-

When a Member or employee dies in service, to have discretion to waive overpayment of allowance or salary up to a maximum of £1,000.

(b) If this new delegation is approved, it be applied from 1 September 2014.

3.0 KEY ISSUES

3.1 As the Constitution is a living document, any additions or changes are brought to the Committee's attention as soon as these come to light to enable the Council's work to move forward and the Constitution to be as up to date as possible. The Council's Management Team and T3 (Third Tier Officer Group) are involved in updating their respective areas of the Constitution.

3.2 The Committee is to refer its recommendations for amending the Constitution to the Full Council for approval and inclusion in the Constitution.

3.3 Part 3 – Responsibility for Functions

Since the introduction of the Governance Committee the statement of accounts have been approved by the Governance Committee under item 3 of its delegation (set out below) and at the auditors request.

3. *To review the Financial Statements, External Audit opinion and report to Members and monitor Management Action in response to any issues raised.*

This means that item 11 (set out below) of the Policy Finance and Administration (PFA) Committee's delegations is no longer needed.

11. *To consider and approve the Council's Statement of Accounts.*

Therefore it is proposed that item 11 be removed from the PFA Committee's delegations. The Statement of Accounts and impact on the Council's financial position will still be reported to the PFA Committee to enable it to fulfil its responsibilities with regard to Council finances however formal approval to reside with the Governance Committee.

For clarity it is proposed that the delegation to the Governance Committee be amended as follows :-

3. To review *and approve* the Financial Statements, External Audit opinion and report to Members and monitor Management Action in response to any issues raised.

3.4 Part 3 – Delegations to Officers - General Delegations in connection with Staffing Matters

For clarity and to enable operational progression, the Committee is requested to consider the following additions, shown in red below, to the General Delegations in connection with Staffing Matters within Part 3 at page 5 of the Officer Delegations and refer the same to the Full Council for approval and inclusion in the Council's Constitution :-

In consultation with Management Team, to approve minor additions to the staff establishment subject to :-	Chief Executive
(1) There being adequate budgetary provision OR	
(2) In each case the gross cost not exceeding £5,000 per annum when implemented AND	
(3) The total cost in any financial year not exceeding the sum of £20,000 AND	
(4) Members of the Policy, Finance and Administration Committee being informed of any such changes when updated copies of the Council's staff list are issued.	

3.5 Part 3 – Delegations to Officers – Head of Communications in consultation with Head of Central Services

In the most unfortunate and sad circumstances of a Member or employee dying in service, changes to arrangements around financial matters within the payroll process may not meet the required timeframes. Ordinarily any such changes needed that do not meet the deadline, can be rectified the following month. However in such sad circumstances as a death when the deceased family is involved such monetary adjustments can be distressing and embarrassing for those involved. Therefore it is proposed that the Head of Communications in consultation with Head of Central Services be given a delegation to ease such situations by allowing up to a £1,000 overpayment. The delegation to read as follows :-

When a Member or employee dies in service, to have discretion to waive overpayment of allowance or salary up to a maximum of £1,000.

If this new delegation is approved, it is requested that it be applied from 1 September 2014.

4.0 **POLICY AND CORPORATE IMPLICATIONS**

4.1 Due to the Constitution being a living document there are times when amendments are needed to enable the organisation to function efficiently. Therefore 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.

7.0 COMMUNITY SAFETY

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

8.0 EQUALITIES

8.1 Equalities Screening Assessments have been drafted on the items within the report and these are available on the Council's website.

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 meet green targets.

11.0 CONSULTATION

11.1 There has been internal consultation with Management Team and T3 to ensure the Constitution reflects the Council's current responsibilities and arrangements.

12.0 WARDS AFFECTED

12.1 All wards are indirectly affected by this report.

Contact Officers : Angela Tebbutt, Monitoring Officer/Sarah Evans, Senior Democracy Officer

Date : October 2014

Appendices : None

Background Papers : Constitution 2014/15