

GOVERNANCE COMMITTEE

12 JUNE 2018

REPORT OF THE MONITORING OFFICER

CONSTITUTION UPDATE 2018 19

1.0 PURPOSE OF REPORT

- 1.1 The Committee is requested to consider new items or changes to the Constitution and those approved or noted by this Committee will be referred to the Council for adoption or noting and incorporation into the Council's Constitution.

2.0 RECOMMENDATIONS

- 2.1 In accordance with recommendation 2.2, following consideration of items (a)-(d) for noting, these items also be referred to the Full Council :-

(a) Director for Legal and Democratic Services

To note that following approval of the Senior Management Structure at Full Council on 12 December 2017 which included that a Director for Legal and Democratic Services be appointed, the Monitoring Officer has exercised his delegation to update all delegations and references in all relevant parts of the Constitution to reflect that this appointment replaces the Solicitor to the Council with effect from 11 June 2018.

(b) Appointment of Monitoring Officer

To note that following approval of the appointment of the Monitoring Officer to Adele Wylie by the Full Council on 25 April 2018, the Monitoring Officer has exercised his delegation to transfer all delegations and references in all relevant parts of the Constitution to Adele Wylie, the Director for Legal and Democratic Services with effect from 25 June 2018.

(c) Part 6 – Member Allowances Scheme

To note that the Members' Allowances Scheme for 2018/19 that was approved at Full Council on 7 February 2018 is now in place and following the recent NJC Pay Award of 2.0% the Monitoring Officer has exercised his delegated authority to update all allowances accordingly with effect from 1 April 2018 as set out at Appendix A. The scheme has also been updated to take account of the changes to the Council's Committee Structure approved at the Extraordinary Meeting of the Council held on 8 May 2018.

(d) Counter Fraud and Ethical Governance Arrangements – Internal Audit Report

To note that the Monitoring Officer had exercised his delegation to include the following two references in the Whistleblowing Policy at

Part 10 and the Officers' Code of Conduct at Part 5 respectively of the Constitution :-

- (i) The Whistleblowing Policy should refer to the Employee Assistance service which would be available to support whistleblowers and advise that ongoing confidential support from the Monitoring Officer/Head of Internal Audit would be available throughout what could be a stressful time.**

and

- (ii) To review the Officer Code of Conduct and include reference to compliance with:**

- Financial Procedure Rules**
- Contract Procedure Rules**
- Counter Fraud and Anti-Bribery policies**

Also, to include a requirement to notify the Council of criminal convictions or charges received.

- 2.2 To note that the Monitoring Officer has delegated authority to make amendments following legislative or other statutory changes and minor procedural and operational changes. Such changes will be reported to the Governance Committee and subsequently the Council, as soon as practicable thereafter.**

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 Strategic 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. In the case of items for noting, these are to be referred to the Council for noting also.**

3.3 New Director for Legal and Democratic Services

As part of the new Senior Management structure that was approved at Full Council on 12 December 2017 and includes a Director for Legal and Democratic Services, Adele Wylie has been appointed as the Director for Legal and Democratic Services with effect from 11 June 2018.

Therefore the Monitoring Officer has used his delegation to transfer all delegations and references in all relevant parts of the Constitution currently with the Solicitor to the Council to the Director for Legal and Democratic Services with effect from 18 June 2018.

3.4 Appointment of Monitoring Officer

Following on from the new Senior Management structure that was approved at Full Council on 12 December 2017, it was approved that the Director for Legal

and Democratic Services also include the role of Monitoring Officer.

At its meeting on 25 April 2018, the Council approved that Adele Wylie be appointed as the Council's Monitoring Officer with effect from 25 June 2018.

Therefore the Monitoring Officer has used his delegation to update all delegations and references in all relevant parts of the Constitution to the Monitoring Officer to reflect that these are transferred to the Director for Legal and Democratic Services with effect from 25 June 2018.

3.5 Part 6 – Member Allowances Scheme

At Full Council on 7 February 2018, the Council approved a Member Allowances Scheme that came into effect on 16 May 2018 (after the Annual Meeting) and this is now in place.

The scheme outlines that Members' Allowances are to be index linked to the NJC Pay Award. Therefore further to the 2.0% Pay Award with effect from 1 April 2018, 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 attached at Appendix A. The scheme also takes account of the changes to the Council's Committee Structure approved at the Extraordinary Meeting of the Council held on 8 May 2018 and which specifically referred to updating the scheme as a consequence of the Governance Review.

3.6 Counter Fraud and Ethical Governance Arrangements – Internal Audit Report

It had come to light that there were two actions outstanding from a previous Internal Audit report listed below at (a) and (b). To address this, the Monitoring Officer has exercised his delegated authority to update the Whistleblowing Policy at Part 10 and the Officers' Code of Conduct at Part 5 of the Constitution to include reference to these matters.

(a) The Whistleblowing Policy should refer to the Employee Assistance service which would be available to support whistleblowers and advise that ongoing confidential support from the Monitoring Officer/Head of Internal Audit would be available throughout what could be a stressful time.

and

(b) To review the Officer Code of Conduct and include reference to compliance with:

- Financial Regulations;
- Contract Procedure Rules
- Counter Fraud and Anti-Bribery policies

Also, to include a requirement to notify the Council of criminal convictions or charges received.

3.7 It may be helpful to note that the Monitoring Officer has delegated authority to make amendments following legislative or other statutory changes and minor procedural and operational changes. Such changes will be reported to the Governance Committee and subsequently the Council, as soon as practicable thereafter.

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.

4.2 The regular reviews and updates to the Constitution and ensuring it is up to date on its decision-making processes supports the Council's priority for being an 'Agile Council'.

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 following legislative or other statutory changes and minor procedural and operational changes. Such changes will be reported to the Governance Committee and subsequently the Council, as soon as practicable thereafter.

7.0 COMMUNITY SAFETY

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

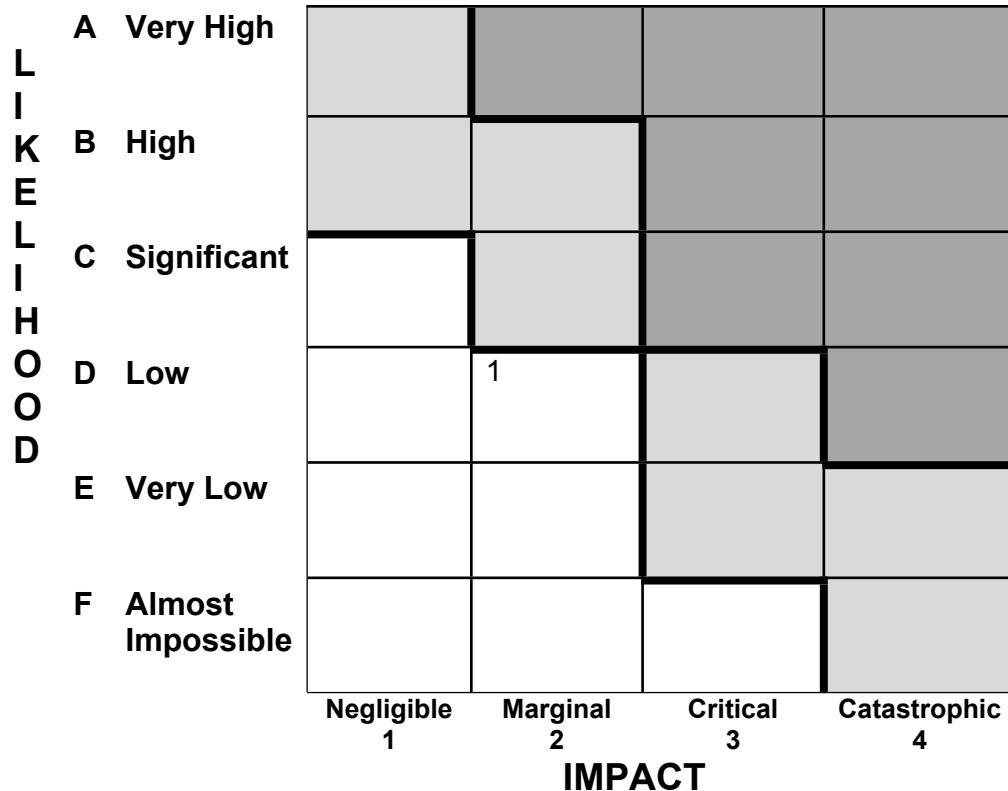
8.0 EQUALITIES

8.1 Equalities Screening Assessments have been drafted on the items within the report and most items presented relate to the legality of decision-making.

9.0 RISKS

9.1 The risks associated with report are considered to relate to following legal and constitutional procedures in decision-making.

9.2



Risk No	Risk Description
1	Decisions challenged due to appropriate processes not followed.

10.0 CLIMATE CHANGE

10.1 The Constitution is available on the Council’s website and is electronically available to Members and Officers to meet the Council’s corporate commitment to green targets.

11.0 CONSULTATION

11.1 There is regular internal consultation with Strategic 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 Officer Keith Aubrey, Monitoring Officer/ Sarah Evans, Senior Democracy Officer
 Date: June 2018
 Appendices : Appendix A – Member Allowances Scheme
 Background Papers: Previous Full Council reports and minutes
 Reference : X : Committees\Governance\2018 19\120618\ Constitution Update 2018 19