

GOVERNANCE COMMITTEE

18 SEPTEMBER 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 To approve the following change to the Constitution and refer the same to Full Council for adoption in the Constitution :-

(a) Part 6 – Member Allowances Scheme

In accordance with the explanation set out in paragraph 3.3 of the report below, paragraph 1.2 of the Member Allowances Scheme be amended to include the words shown in red :-

- 1.2 Should a Member not claim the basic allowance, **Council related expenses, in addition to those that can be claimed elsewhere**, be claimable up to the maximum of the basic allowance.

- 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 Part 6 – Member Allowances Scheme

To ensure equality in all Members being able to claim travel and subsistence expenses as well as the basic allowance, the following paragraph be amended with the additional wording in red to explain that such expenses may also be claimable when the Member opts out of the basic allowance for personal reasons.

1.2 Should a Member not claim the basic allowance, **Council related** expenses, **in addition to those that can be claimed elsewhere**, be claimable up to the maximum of the basic allowance.

3.4 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.

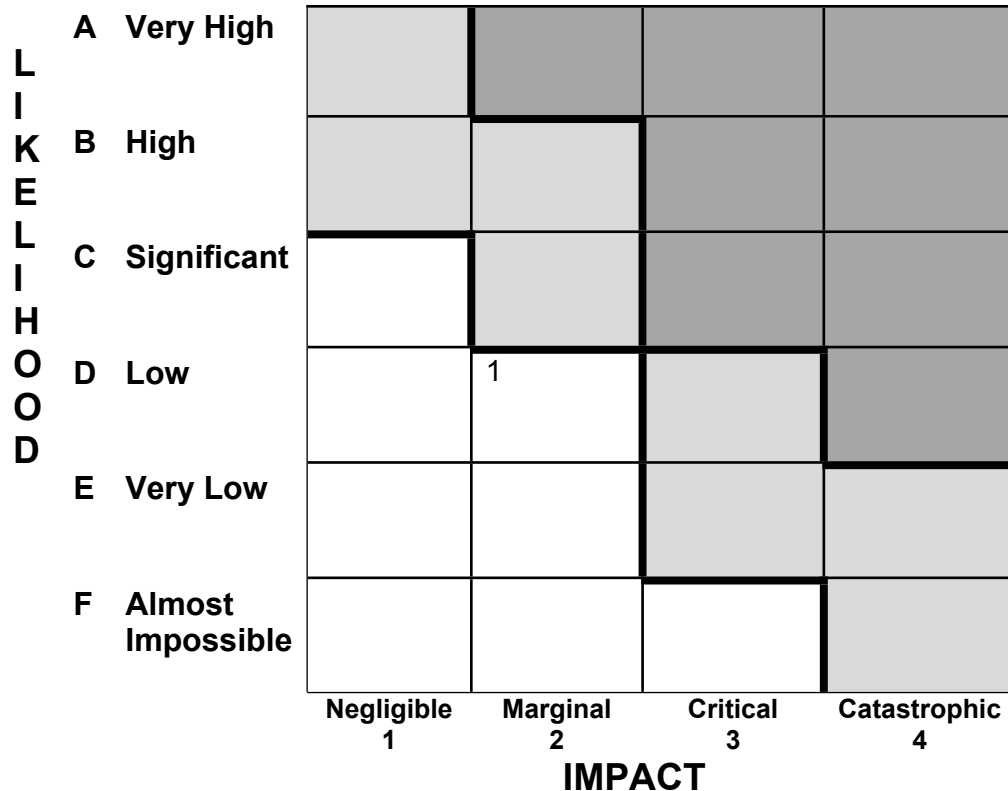
8.0 **EQUALITIES**

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 Adele Wylie, Monitoring Officer
 Date: September 2018
 Appendices : None
 Background Papers: Previous Full Council reports and minutes
 Reference : X : Committees\Governance\2018 19\180918\ Constitution Update 2018 19