

GOVERNANCE COMMITTEE

5 FEBRUARY 2019

REPORT OF THE MONITORING OFFICER

NEW GOVERNANCE ARRANGEMENTS – CONSTITUTION

1.0 PURPOSE OF REPORT

- 1.1 Following approval of the Council's new governance arrangements at the Extraordinary Meeting of the Council held on 21 November 2018, the Committee is requested to provide comments on the proposed structure of the Constitution which includes 7 chapters named according to their document contents and as set out at Appendix A.
- 1.2 To consider the first batch of documents which will populate the chapters of the Constitution, as listed at Appendix B with the relevant documents appended thereto, before being referred to the Council for adoption.

2.0 RECOMMENDATIONS

- 2.1 To provide comments on Appendix A and the following as set out at Appendix B and appended thereto and numbered accordingly:-

Appendix B1	Introduction, Summary & Explanation
Appendix B2	Introduction to Decision-making
Appendix B3	Diagrammatic explanation of Decision-making
Appendix B4	Council/Committees Procedure Rules
Appendix B5	Cabinet Procedure Rules
Appendix B6	Scrutiny Procedure Rules
Appendix B7	Call In Procedure Rules
Appendix B8	Substitute Procedure Rules
Appendix B9	Access to Information Rules
Appendix B10	Employment Procedure Rules

3.0 KEY ISSUES

- 3.1 Following approval of the Council's new governance arrangements at the Extraordinary Meeting of the Council held on 21 November 2018, the Constitution has to be redrafted to take account of the change in decision-making structure to the Leader and Cabinet model. A proposed new Constitution is therefore under construction which is made up of 7 chapters, the contents of which are listed at Appendix A.
- 3.2 Whilst redrafting the Constitution for the new governance arrangements, the whole document is under review to ensure that the Council is able to work more efficiently and quickly to meet its commercial ambitions. This includes refreshing all parts of the document and includes all the procedure rules and the delegations scheme. Due to the enormity of the task, the Constitution sections have been divided into two batches, the first batch is for consideration at this meeting with Council being asked to approve them on 13 February and the second batch is scheduled for consideration at the 26 March Governance Committee meeting with

Council being asked to approve them on 17 April.

3.3 As mentioned, the Committee is requested to provide comments on proposals. The proposals for amending the Constitution are as set out at Appendix B together with the associated document in each case, numbered accordingly, and a summary of each item is listed below although each section is designed to be self-explanatory in its purpose.

3.4 With regard to the Member Allowances Scheme, the Welland Independent Remuneration Panel has reviewed the special responsibility allowances affected by the governance review and as required by law their report will be considered by the Council on 13 February 2019 and the Constitution will be updated accordingly with the approved scheme if approved.

3.5 Introduction, Summary and Explanation

This section provides an introduction as to how the Council works, how decisions are made and where to find information about the Council and replaces the previous Summary and Articles (Parts 1 and 2). There is also a specific section on introduction to decision-making and a diagram showing the decision-making structure.

3.6 Council and Committee Procedure Rules

These are based on the existing Council procedure rules and it is considered that these align to the new arrangements with very little change.

3.7 Cabinet Procedure Rules

These procedure rules set out how the Cabinet works, how it makes decisions collectively as well as by individual portfolio holders.

3.8 Scrutiny and Call in Procedure Rules

These procedure rules set out the requirements of the Scrutiny Committee and call in arrangements. The below points may be of interest to the Committee :-

- (a) The membership of the Scrutiny Committee cannot include any Cabinet Member
- (b) A Key Decision is an executive decision likely to result in the Council;
 - Incurring expenditure of £50,000 or more, or;
 - Making savings or generate income of £50,000 or more, and/or
 - Has a significant impact on two or more wards in the Borough and on communities living or working in those areas.
- (c) The Scrutiny Committee can “call in” a Key Decision of the where they believe that the decision making principles have been breached and the decision should be not implemented before their input is considered.
- (d) The call-in request shall be on a completed call-in request form and include the names and signatures of six members excluding Cabinet Members, the decision making principles it is believed have been breached and also the reasons for this.

3.9 Substitute Procedure Rules

The substitute arrangements have been reviewed to take account of the new decision-making structure. It is proposed that substitute requirements are reduced to apply only to the Planning and Licensing and Regulatory Committees. Therefore the substitute procedure rules have been adjusted accordingly.

3.10 Access to Information Procedure Rules

These have been updated to reflect best practice and to meet the Council's needs going forward. The reasons for excluding the public remain the same as set out in Schedule 12A of the Local Government Act 1972.

3.11 Officer Employment Procedure Rules

This document has been slightly updated to reflect best practice and current operational requirements.

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 It is a legal requirement to have a constitution. The Council cannot make decisions without proper governance arrangements in place.

7.0 **COMMUNITY SAFETY**

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

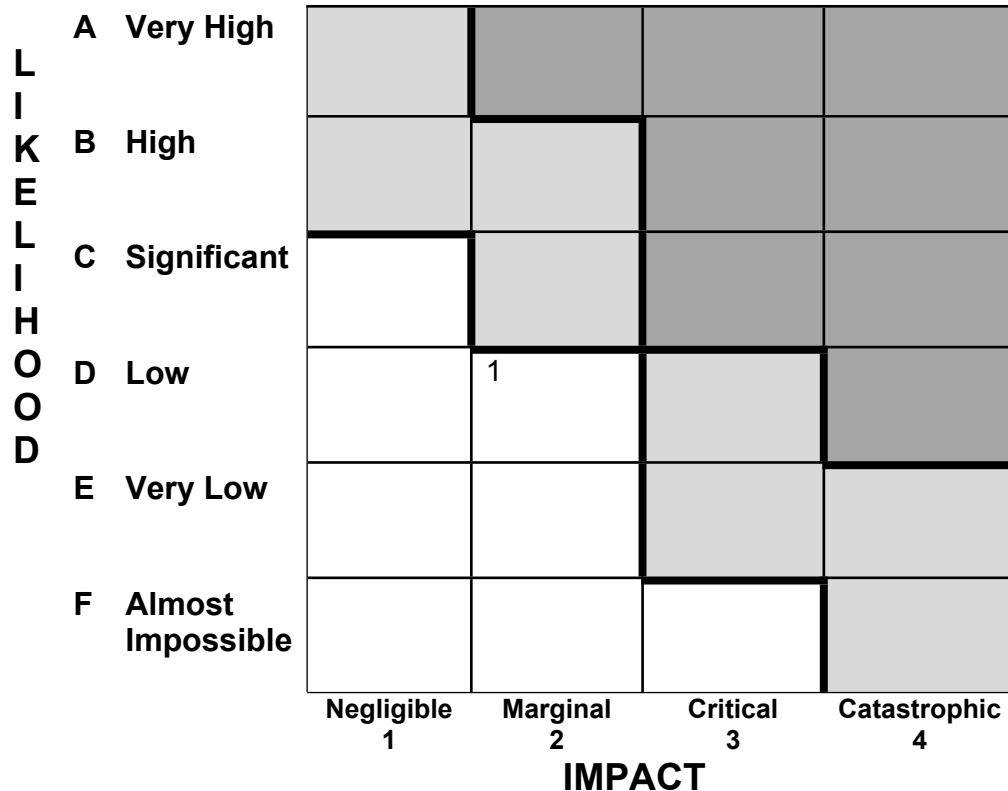
8.0 **EQUALITIES**

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 the Senior Leadership 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

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Date:

January 2019

Appendices :

A : Constitution Structure

B : List of documents to be approved as follows:-

- B1 Introduction, Summary & Explanation
- B2 Introduction to Decision-making
- B3 Diagrammatic explanation of Decision-making
- B4 Council/Committees Procedure Rules
- B5 Cabinet Procedure Rules
- B6 Scrutiny Procedure Rules
- B7 Call In Procedure Rules
- B8 Substitute Procedure Rules
- B9 Access to Information Rules

B10 Employment Procedure Rules

Background Papers: Previous Full Council reports and minutes

Reference : X : Committees\Governance\2018 19\050219\ New Governance Arrangements - Constitution