

MEETING OF THE COUNCIL

13 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 Council is asked to approve a set of documents, as listed in the recommendations at paragraphs 2.1 to 2.8, which will form part of the new Constitution.

2.0 RECOMMENDATIONS

2.1 **To approve Appendix A1 - Introduction, Summary & Explanation effective from the Annual Meeting in May 2019.**

2.2 **To approve Appendix A2 - Introduction to Decision-making effective from the Annual Meeting in May 2019.**

2.3 **To approve Appendix A3 - Diagrammatic explanation of Decision-making effective from the Annual Meeting in May 2019.**

2.4 **To approve Appendix A4 - Council/Committees Procedure Rules effective from the Annual Meeting in May 2019.**

2.5 **To approve Appendix A5 - Call In Procedure Rules effective from the Annual Meeting in May 2019**

2.6 **To approve Appendix A6 - Substitute Procedure Rules effective from the Annual Meeting in May 2019**

2.7 **To approve Appendix A7- Access to Information Rules effective from the Annual Meeting in May 2019**

2.8 **To approve Appendix A8 - Employment Procedure Rules and adopt following the conclusion of the Annual Meeting in May 2019**

2.9 **To delegate authority to the Director for Legal and Democratic Service for:**
(a) amendments to the constitution as a result of comments received by Members;
(b) changes to the structure and layout of the constitution;
(c) minor amendments (as and when required) that in her opinion do not substantially alter the content of the constitution; and/or
(d) any changes to the Constitution as required by the law.

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.

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 to be considered by the Governance Committee at its meeting on 5 February 2019 and those documents that in the final stages are presented for approval at this Council meeting. The second batch is scheduled for consideration at the 26 March Governance Committee meeting with Council being asked to approve these documents on 17 April 2019.

3.3 Introduction, Summary and Explanation (Appendices A1 – A3)

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.

3.4 Council and Committee Procedure Rules (Appendix A4)

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

3.5 Call in Procedure Rules (Appendix A5)

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

- (a) 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.
- (b) 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.
- (c) 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.

3.6 Substitute Procedure Rules (Appendix A6)

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.

3.7 Access to Information Procedure Rules (Appendix A7)

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.

3.8 Officer Employment Procedure Rules (Appendix A8)

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 Decisions may be challenged and may be unlawful if they are not supported by proper governance arrangements. Having a robust constitution following appropriate consultation helps to mitigate this risk.

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 The Governance Committee is consulted on items that change the content of the Constitution. 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 Adele Wylie, Monitoring Officer

Date: February 2019

Appendices :
A1 Introduction, Summary & Explanation
A2 Introduction to Decision-making
A3 Diagrammatic explanation of Decision-making
A4 Council/Committees Procedure Rules
A5 Call In Procedure Rules
A6 Substitute Procedure Rules
A7 Access to Information Rules
A8 Employment Procedure Rules

Background Papers: Previous Full Council reports and minutes

Reference : X : Committees\Council\2018 19\130219\ New Governance Arrangements - Constitution