

GOVERNANCE COMMITTEE

26 MARCH 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 final set of documents which will form the Constitution and are listed at Appendix A with the relevant documents appended thereto.
- 1.2 To provide an opportunity for comments on the proposed Calendar of Meetings for 2019/20 before it is finalised for presenting for approval at the Annual Meeting.

2.0 RECOMMENDATIONS

- 2.1 To comment on the following as listed at Appendix A and appended thereto and refer the same to the Council for adoption :-

Appendix A1	Council Functions and Procedure Rules
Appendix A2	Cabinet Functions and Procedure Rules
Appendix A3	Officer Scheme of Delegation
Appendix A4	Audit and Standards Committee Functions and Procedure Rules
Appendix A5	Employment Committee Functions and Procedure Rules
Appendix A6	Licensing Committee Functions and Procedure Rules
Appendix A7	Planning Committee Functions and Procedure Rules
Appendix A8	Scrutiny Committee Functions and Procedure Rules
Appendix A9	Meetings Procedure Rules
Appendix A10	Budget and Policy Framework Procedure Rules
Appendix A11	Financial Procedure Rules
Appendix A12	Member Roles
Appendix A13	Petitions Scheme
Appendix A14	Proper Officer Designations

- 2.2 To comment on the Calendar of Meetings 2019/20 (Appendix B) before it is finalised for Members' consideration at the Annual Meeting of the Council.

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 remodelled to take account of the change in decision-making structure to the Cabinet model, introducing the scrutiny and call in functions and removing the 3 existing policy committees. A new Constitution is therefore under construction which is made up of 7 chapters.
- 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 sets, the first set was approved by the Council at its meeting on 13 February and this second and final set is presented to this meeting for comments and then for onward referral to the Council for adoption on 17 April.

3.3 Council Functions and Procedure Rules – Appendix A1

These procedure rules set out how the Council works and its decision-making arrangements.

3.4 Cabinet Functions and Procedure Rules – Appendix A2

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

3.5 Officer Scheme of Delegation – Appendix A3

These have been reviewed and updated to reflect the Council's new management and governance arrangements as well as assist in more streamlined decision-making to help the Council achieve its commercial ambitions.

3.6 Audit and Standards Committee Functions and Procedure Rules – Appendix A4

These procedure rules set out how this Committee works and the decisions it is responsible for.

3.7 Employment Committee Functions and Procedure Rules – Appendix A5

These procedure rules set out how this Committee works and the decisions it is responsible for.

3.8 Licensing Committee Functions and Procedure Rules – Appendix A6

These procedure rules set out how this Committee works and the decisions it is responsible for.

3.9 Planning Committee Functions and Procedure Rules – Appendix A7

These procedure rules set out how this Committee works and the decisions it is responsible for.

3.10 Scrutiny Committee Functions and Procedure Rules – Appendix A8

These procedure rules set out how this Committee works and the decisions it is responsible for.

3.11 Meetings Procedure Rules – Appendix A9

These procedure rules set out how meetings work and how decisions are made.

3.12 Budget and Policy Framework Rules – Appendix A10

These have been reviewed and updated to reflect the Council's Corporate Policy Framework and the new governance arrangements.

3.13 Financial Procedure Rules – Appendix A11

These have been reviewed and updated to reflect the Council's new governance arrangements.

3.14 Member Roles – Appendix A12

These have been reviewed to take account of the new governance arrangements and the roles have been adjusted to demonstrate the responsibilities attached to each role. This document is designed primarily to help Members understand their responsibilities as well as the skills and knowledge needed to carry out these roles and from this determine individual training requirements. The document also assists the Independent Remuneration Panel in understanding the expectations on the leading Member roles when they review special responsibility allowances.

3.15 Petitions Scheme – Appendix A13

This has been reviewed and updated to reflect the Council's new governance arrangements.

3.16 Proper Officer Designations – Appendix A14

These have been reviewed and updated to reflect the Council's new management and governance arrangements.

3.17 Calendar of Meetings 2019 20

The proposed Calendar of Meetings for 2019 20 is attached at Appendix B and there is an opportunity for the Committee to comment before it is finalised for approval at the Annual Meeting. The Annual Calendar of Meetings is designed each year to ensure the statutory requirements of the Council's decision-making are followed and allows for policy and regulatory decisions to be made which contribute to the running of the Council and meeting the public's expectations. Under the new governance arrangements the main changes relate to 10 meetings of the Cabinet instead of the 5 cycles of the 3 policy committees and monthly Planning Committee meetings instead of the previous 3 weekly cycle. The other committees, including the new Scrutiny Committee, will run on a 5 cycles per year basis as previously.

3.18 The meeting timetable has also been drafted to take account of bank holidays, school holidays, Council meetings of the Leicestershire County Council as well as various conferences. The Appeals and Employment Committees are not included as these committees will be convened as required.

3.19 It is proposed that Committees meetings will start at 6 p.m. and Council meetings will start at 6.30 p.m. as is currently the case. Cabinet meetings will mainly be at 2 p.m. and the Leader will have discretion to amend the time according to Member availability. All meetings will be held at Parkside apart from during the period leading up to an election when the Council Chamber is engaged for that purpose.

3.20 In addition to the Calendar of Meetings, Extraordinary Council and Ad hoc Committee meetings are convened for business that cannot wait until the next Committee cycle or where an item of business is of a high level of significance to need a meeting dedicated to that purpose.

3.21 It should be noted that the Monitoring Officer has delegated authority to make amendments to the Constitution 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.

L I K E L I H O O D	A	Very High				
	B	High				
	C	Significant				
	D	Low		1		
	E	Very Low				
	F	Almost Impossible				
			Negligible 1	Marginal 2	Critical 3	Catastroph c 4

IMPACT

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 Adele Wylie, Monitoring Officer
 Date: March 2019
 Appendices : A : List of documents to be approved & Appendices A1-A16 appended thereto
 B : Calendar of Meetings 2019/20
 Background Papers: Previous Full Council reports and minutes
 Reference : X : Committees\Governance\2018 19\260319\ New Governance Arrangements - Constitution