

MEETING OF THE COUNCIL

17 APRIL 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 below at recommendation 2.1, which will contribute to completing the new Constitution in readiness for the introduction of the new governance arrangements in the new Civic Year.

2.0 RECOMMENDATIONS

- 2.1 To approve the following for adoption as listed at Appendix A and appended thereto effective from the Annual Meeting in May 2019 :-

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| 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 |
| Appendix A15 | Contract Procedure Rules |

- 2.2 To delegate authority to the Director for Law and Governance 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 been under review, and as well as new documents introduced, many other sections have been significantly redrafted to take account of the change in

decision-making structure to the Leader and Cabinet model.

- 3.2 The reason for the complete review is 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 Constitution including 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 at the Council meeting On 13 February 2019. The majority of those documents enclosed with this report were considered at the 26 March Governance Committee meeting and any comments that resulted in amendments to the documents have been made and included in the appendices presented herewith for adoption at this meeting.
- 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 Contract Procedure Rules – Appendix A15
These have been reviewed and updated to reflect the Council’s new governance arrangements.

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 and has been consulted on the items presented for adoption. 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.

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| Contact Officer | Adele Wylie, Monitoring Officer |
| Date: | April 2019 |
| Appendices : | A : List of documents to be approved & Appendices A1-A15 appended thereto |
| Background Papers: | Previous Full Council reports and minutes |
| Reference : | X : Committees\Council\2018 19\170419\ New Governance Arrangements - Constitution |