

Report of Principal Corporate Governance Officer

Report to Head of Governance Services

Date: 21st May 2015

Subject: Amendments to Constitution

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| Are specific electoral Wards affected? If relevant, name(s) of Ward(s): | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Are there implications for equality and diversity and cohesion and integration? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Is the decision eligible for Call-In? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number: | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Summary of main issues

1. The annual meeting of Council takes place on 21st May 2015 during which Members will be invited to approve amendments to the constitution recommended by General Purposes Committee, appoint Council Committees and approve the Officer Delegation Scheme (Council (non-executive) Functions). Council will also elect a new Leader and receive details of the Leader's executive arrangements.
2. In addition to the amendments necessary to the Constitution consequential upon the Annual Meeting of Council detailed at 1 above, the Principal Corporate Governance Officer has undertaken a review of the Constitution and is of the view that amendments are necessary for the purpose of clarification.

Recommendations

3. Following the annual meeting of Council and contingent upon the approval and in accordance with the authority set out in Article 15.2 of the Constitution, as sub-delegated by the City Solicitor, the Head of Governance Services as deputy Monitoring Officer, is requested to approve amendments to those parts of the constitution detailed below for the reasons set out in this report.
 - Part 3 Section 1: Responsibility for Local Choice Functions
 - Part 3 Section 2B: Council Committee Terms of Reference
 - Part 4: Scrutiny Board Procedure Rules
 - Part 5: Planning Code of Good Practice
 - Part 5: Protocol for Public Speaking at Plans Panels

- Part 5: Code of Corporate Governance
- Part 6: Members Allowances Scheme

1 Purpose of this report

- 1.1 This report sets out proposed amendments to the constitution consequential upon decisions of Council and the Leader, and for the purposes of clarification only.

2 Background information

- 2.1 Article 15.2 of the Constitution provides that “The Monitoring Officer is authorised to make any changes to any Part of the Constitution which are required:
- As a result of legislative change or decisions of the Council or Executive to enable him/her to maintain it up to date;
 - Or for the purposes of clarification only.”
- 2.2 The Monitoring Officer has sub-delegated this authority to the Head of Corporate Governance in his role as deputy Monitoring Officer.
- 2.3 The annual meeting of Council takes place on 21st May 2015 during which Members will be invited to approve amendments to the constitution recommended by General Purposes Committee, appoint Council Committees and approve the Officer Delegation Scheme (Council (non-executive) Functions).
- 2.4 The Leader of Council must provide details of his/her Executive Arrangements to full council. Such details will be set before Council at the annual meeting.

3 Main issues

Part 3 Section 1: Responsibility for Local Choice Functions

- 3.1 Recent discussions have clarified responsibilities for school admission appeals particularly in respect of Admission Authorities and the clerk appointed to assist Appeal Panels in the discharge of their responsibilities.
- 3.2 It is therefore proposed to amend the table showing responsibility for local choice functions in order to reflect these responsibilities for the purpose of clarification. A copy of the amended document is attached as Appendix A to this report.

Part 3 Section 2B: Council Committee Terms of Reference

- 3.3 Council has been asked to appoint Council Committees. The appointments reflect changes to the constitution reflecting a realignment of Scrutiny Boards to reflect the delineation between directorates.
- 3.4 It is proposed that the list of Council Committees be amended to show details of those committees appointed by Council and the relevant membership details. A copy of the amended document is attached as Appendix B to this report.

Part 4: Scrutiny Board Procedure Rules

- 3.5 Council has been asked to realign the terms of reference for Scrutiny Boards with the directorates, and to make associated amendments to the Scrutiny Board Procedure Rules.
- 3.6 The terms of reference for the Scrutiny board (Environment and Housing) show it as exercising the functions of the Crime and Disorder Committee. It is therefore necessary to amend the Scrutiny board Procedure Rules as shown in paragraphs 3.4, 11.10, 13.9, 16.10 and 16.11 to refer to the correct Scrutiny Board. A copy of the amended document is attached as Appendix C to this report.

Part 5: Planning Code of Good Practice and Protocol for Public Speaking at Plans Panels.

- 3.7 The good practice guidance on pre-application engagement, which provides details of the Council's expectations of developers in engaging with the public at the earliest of stages on large scale or sensitive planning proposals, has been updated. It is therefore proposed that footnote 1 in the Planning Code of Good Practice should be changed to provide reference to the most up to date. A copy of the amended document is attached as Appendix D to this report.
- 3.8 Similarly it is recommended that footnote 1 in the Protocol for Public Speaking at Plans Panel should be amended to reflect the most up to date Council protocol for pre-application presentations to the Plans Panels. A copy of the amended document is attached as Appendix E to this report.

Part 5: Code of Corporate Governance

- 3.9 Council has been asked to approve amendments to Articles 1 and 4 of the Constitution reflecting the move away from City Priority Plans.
- 3.10 It is therefore proposed that the reference to the City Priority Plan should be removed from the Council's Code of Corporate Governance, and replaced where appropriate with reference to the Best Council Plan. A copy of the amended document is attached as Appendix F to this report.

Part 6: Members' Allowances Scheme

- 3.11 Two small errors have been made in Schedule 1 to the scheme. For both the Deputy/Designated Leader and the Whips with more than 10% of membership of the Council the schedule is accurate in terms of the percentage of the Leader's SRA shown, but the amount shown should be amended for accuracy. A copy of the amended document is attached as Appendix G to this report

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 No consultation has taken place on the amendments proposed in this report, as the amendments are consequential, or for updating and clarification only.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 No implications for equality and diversity/cohesion and integration arise from this report.

4.3 Council policies and City Priorities

4.3.1 Article 15 of the Constitution provides that “a key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council”. In carrying out this review and approving the proposed amendments the Head of Governance Services, as deputy Monitoring Officer is complying with this requirement.

4.4 Resources and value for money

4.4.1 This report has no specific resource or value for money implications.

4.5 Legal Implications, Access to Information and Call In

4.5.1 The City Solicitor has sub-delegated authority under Article 15 to the Head of Governance Services to make amendments to the constitution which are required as a result of legislative change of decisions of the Council or Executive to enable her to maintain it up to date, or for the purposes of clarification only.

4.5.2 No part of this report is confidential or exempt.

4.5.3 This report, which relates to Council functions, will be published as a Significant Operational Decision. The decision is not open to call in.

4.6 Risk Management

4.6.1 The constitution should be kept up to date, to minimise risk of challenge.

5 Conclusions

5.1 There are a number of amendments necessary to the Constitution consequential upon the decisions of Council and the executive arrangements determined by the Leader.

5.2 In addition the Head of Governance Services has undertaken a review of the Constitution and is of the view that amendments are necessary for the purpose of clarification.

6 Recommendations

6.1 Following the annual meeting of Council and in accordance with the authority set out in Article 15.2 of the Constitution, as sub-delegated by the City Solicitor, the Head of Governance Services as deputy Monitoring Officer, is requested to approve amendments to those parts of the constitution detailed below for the reasons set out in this report.

- Part 3 Section 1: Responsibility for Local Choice Functions
- Part 3 Section 2B: Council Committee Terms of Reference
- Part 4: Scrutiny Board Procedure Rules

- Part 5: Code of Corporate Governance
- Part 6: Members Allowances Scheme

7 Background documents¹

7.1 None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.