

Report of Principal Corporate Governance Officer

Report to Head of Governance Services

Date:

Subject: Amendments to Constitution

Are specific electoral wards affected? If relevant, name(s) of ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for call-In?	<input type="checkbox"/> Yes	<input checked="" 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 checked="" type="checkbox"/> No

Summary of main issues

1. A number of changes have taken place within the Council requiring amendments to the Constitution to clarify practice and procedure in relation to responsibilities for Scrutiny and School Appeals.
2. This report sets out details of the changes which are to take place and the relevant constitutional amendments necessary to reflect these.

Recommendations

3. The Head of Governance Services is requested to approve amendments to the following documents as set out in this report:-
 - Article 6
 - Article 12
 - Part 3 Section 1
 - Council Procedure Rules
 - Executive and Decision Making Procedure Rules
 - Community Committee Procedure Rules
 - Budget and Policy Framework Procedure Rules
 - Access to Information Procedure Rules
 - Appointment to Outside Bodies Procedure Rules
 - Protocol for the Co-ordination of External Inspection Reports
 - Code of Corporate Governance

1 Purpose of this report

- 1.1 This report sets out a number of amendments to the Constitution recommended in order to give effect to decisions of Council or the Executive, or for clarification only.

2 Background information

- 2.1 Article 15.2 makes provision for amendments to be made to the constitution. In addition to the specific power to amend those documents in respect of which she has specific delegated authority (as shown in the front sheet to each document) 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 in order to maintain it up to date;
- Or for the purposes of clarification only.

- 2.2 The Monitoring Officer has sub-delegated her functions in respect of the Constitution to the Head of Governance Services.

3 Main issues

Responsibility for Scrutiny

- 3.1 As a consequence of the retirement from the authority of the Head of Scrutiny and Member Development on the 30th September the role is to be combined with responsibility for governance in the post of Head of Governance Services with this post being redesignated by the City Solicitor for clarification as the Head of Governance and Scrutiny Support with effect from the 1st October 2016. As a result it is necessary to amend references in the Constitution from either 'Head of Scrutiny and Member Development' or 'Head of Governance Services' to 'Head of Governance and Scrutiny Support' in each of the following documents:

- Article 6
- Article 12
- Responsibility for Local Choice Functions
- Council Procedure Rules
- Executive and Decision Making Procedure Rules
- Community Committee Procedure Rules
- Budget and Policy Framework Procedure Rules
- Access to Information Procedure Rules
- Appointment to Outside Bodies Procedure Rules
- Protocol for the Coordination of External Audit and Inspection Reports
- Code of Corporate Governance

- 3.2 It should be noted that the City Solicitor intends to amend her sub-delegation scheme to give effect to the changes to the Constitution as soon as practicable after this decision has been taken.

Responsibility for School Appeals

- 3.3 In order to make efficient use of Council resources responsibility for the provision of school appeals has been transferred from Governance Services to the Children's Services directorate – the transition of the oversight of these responsibilities will be concluded at the end of September. It is recommended that Part 3 Section 1 (Responsibility for Local Choice Functions) of the Constitution is amended as shown in Appendix A attached with effect from the 1st October 2016.

4 Corporate considerations

4.4 Consultation and engagement

- 4.4.1 There are no implications for this report.

4.5 Equality and diversity / cohesion and integration

- 4.5.1 There are no implications for this report.

4.6 Council policies and best council plan

- 4.6.1 Continuous monitoring and updating of the report is in line with the Council's value of being open, honest and trusted.

4.7 Resources and value for money

- 4.7.1 There are no implications for this report.

4.8 Legal Implications, access to information and call In

- 4.8.1 This is a significant operational decision and will be published accordingly.

4.9 Risk management

- 4.9.1 There are no implications for this report.

5 Conclusions

- 5.1 The proposed amendments will ensure that the Constitution is maintained up to date and fit for purpose.

6 Recommendations

- 6.1 The Head of Governance Services is requested to approve amendments to the following documents as set out in this report:-

- Article 6
- Article 12
- Part 3 Section 1
- Council Procedure Rules
- Executive and Decision Making Procedure Rules

- Community Committee Procedure Rules
- Budget and Policy Framework Procedure Rules
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- Code of Corporate Governance

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.