

**Report of City Solicitor**

**Report to Full Council**

**Date: 25<sup>th</sup> May 2017**

**Subject: Amendments to Constitution**

Are specific electoral wards affected? If yes, 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. At its meeting on 10<sup>th</sup> May 2017 General Purposes Committee considered a report from the City Solicitor setting out proposals for amendments to the Constitution to ensure that it remains up to date and fit for purpose.
2. The proposals follow from the City Solicitor's annual review of the constitution.

**Recommendations**

1. Full Council are requested to approve amendments to the following documents for the reasons set out in this report and as shown on the Appendices attached.
  - Article 6 (Appendix D)
  - Article 15 (Appendix H)
  - Officer Delegation Scheme (Council (non-executive) Functions):-
    - Director of Resources and Housing (Appendix A)
    - Director of Communities and Environment (Appendix B)
  - Scrutiny Board Terms of Reference (Appendix C)
  - Council Procedure Rules (Appendix E)
  - Community Committee Procedure Rules (Appendix F)
  - Chief Finance Officer Protocol (Appendix G)

## 1. Purpose of this report

- 1.1 This report sets out recommended amendments to the Council's Constitution. The amendments are recommended by General Purposes Committee following the City Solicitor's annual review and are designed to ensure that the Constitution is up to date and fit for purpose.

## 2. Background information

- 2.1 Article 15 of the Constitution makes provision for the review and revision of the constitution. Some documents contained within the constitution are reserved to full council.
- 2.2 The City Solicitor has general authority to amend the constitution to give effect to changes in legislation, and also as a consequence of and to give effect to decisions of Council and the Executive.

## 3. Main issues

### Officer delegations

- 3.1 Amendments are proposed to the Officer Delegation Scheme (Council (non-executive) Functions) to show the transfer of functions in relation to the licensing of caravan sites to the Director of Resources and Housing from the Director of Communities and Environment. This proposal corrects an anomaly which arose from changes to the scheme to reflect the new organisational structure which was put in place on 1<sup>st</sup> April 2017.
- 3.2 The proposed amendments are shown at Appendices A and B attached.

### Scrutiny Arrangements

- 3.3 Having received recommendations from the Leader following consultation across the groups and with directors, General Purposes Committee recommend that overview and scrutiny arrangements continue to be shared between six boards but that these are realigned as follows:-

- **Strategy and Resources**

Bringing together the council's central strategic and regulatory functions. This continues the arrangements for 2016/17 into the new municipal year with the addition of elections, registrars, licensing, local land charges and council tax processing previously considered by the citizens and communities board.

- **Infrastructure and Investment**

Bringing together the council's development and infrastructure functions to monitor the council's progress in relation to transport and planning, regeneration and housing growth. These functions were previously part of City Development. The separation of functions between this and Inclusive Growth, Culture and Sport enable sufficient focus on these key areas.

- **Inclusive Growth, Culture and Sport**

Bringing together the council's economic growth functions to monitor the council's progress as a strong and compassionate city promoting opportunities for access to learning, skills and employment for all. The

committee will oversee the cultural and sport related functions of the council and activity in the city.

These functions were previously part of City Development. The separation of functions between this and Infrastructure and Investment enable sufficient focus on these key areas.

- **Environment, Housing and Communities**

Bringing together services affecting the lives of citizens living and working in the council's neighbourhoods to monitor the council's progress as a citizen focussed city prioritising environmental sustainability.

This continues the arrangements for 2016/17 for environment and housing whilst adding functions relating to communities which were previously considered by the citizens and communities board.

- **Children and Families**

Focussing on services affecting the lives of children and families in the city to monitor the council's progress as a child friendly city putting children first.

This continues the arrangements for 2016/17 into the new municipal year

- **Adults and Health**

Bringing together social services for adults and universal public health services to monitor the council's progress in improving health, lifestyles and quality of care across the city driving integration and partnership with health bodies.

This continues the arrangements for 2016/17 into the new municipal year

3.4 General Purposes Committee recommends that Full Council approves the single generic Terms of Reference for all Scrutiny Boards attached at Appendix C to this report.

3.5 General Purposes Committee also recommend that Council approve the amendments to Article 6 which capture the variations in remit and special responsibilities of each scrutiny board. The amended article is set out at Appendix D attached.

#### Council Procedure Rules

3.6 General Purposes Committee recommend that Council approve the amendments to the Council Procedure Rules to:-

3.6.1 enable the Chair of Health and Wellbeing Board to use up to four minutes of the twenty minutes allocated to consideration of the minutes to sum up and the issues raised; and

3.6.2 allow the relevant portfolio holder up to five minutes to sum up in relation to the consideration of executive board minutes in their portfolio under discussion when the time for consideration of Executive Board minutes expires.

3.7 The amendments, which reflect current practice and provide certainty, are set out at Appendix E attached.

#### Election of Community Committee Chairs

3.8 Amendments are recommended to the Community Committee Procedure Rules to provide for the appointment of all Community Committee Chairs by Full Council. This will enable a simpler and more efficient process. The procedure provides for the election of each Chair by those Members of the relevant Committee present in Council, widening to full council only if a majority vote cannot be established.

3.9 The recommended arrangements are set out in Section 2 of Appendix F.

### Chief Finance Officer Protocol

- 3.10 It is recommended that Full Council adopt the Chief Finance Officer Protocol, set out at Appendix G attached, which mirrors the Monitoring Officer Protocol already in place. These protocols set out the statutory responsibilities of the posts and underpin the necessary provision to enable fulfilment of the roles.
- 3.11 It is proposed that the Protocol is reviewed and updated as appropriate by the Corporate Governance and Audit Committee, and it is therefore recommended that Council approve the amendments to Article 15 set out at Appendix H attached.
- 3.12 The Chief Finance Officer drafted the protocol in consultation with the previous post holder and the City Solicitor. The Chair of Corporate Governance and Audit Committee has been consulted and is content that responsibility for reviewing the protocol should rest with her Committee.

## **4. Corporate considerations**

### **4.1 Consultation and engagement**

- 4.1.1 Consultation has taken place in relation to each proposed amendment as detailed above.

### **4.2 Equality and diversity / cohesion and integration**

- 4.2.1 There are no implications for this report.

### **4.3 Council policies and best council plan**

- 4.3.1 All amendments are in line with the Council's Corporate Governance Code and Framework, particularly with regard to ensuring we have clear responsibilities and arrangements for transparent and effective accountability; taking informed and transparent decisions and ensuring that we have robust and effective audit, scrutiny, information governance, risk and financial management controls.

### **4.4 Resources and value for money**

- 4.4.1 There are no implications for this report.

### **4.5 Legal implications, access to information, and call-in**

- 4.5.1 All proposed amendments are in line with legislation and bring the constitution up to date.
- 4.5.2 This decision is not available for Call In.

### **4.6 Risk management**

- 4.6.1 There are no implications for this report.

## **5. Conclusions**

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

## **6. Recommendations**

- 6.1 Full Council are requested to approve amendments to the following documents for the reasons set out in this report and as shown on the Appendices attached.

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## **7. Background documents<sup>1</sup>**

- 7.1 None

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<sup>1</sup> 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.