



Report of City Solicitor

Report to Full Council

Date: 11th November 2020

Subject: Amendments to the Constitution

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has consultation been carried out?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open 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

1. Main issues

- On 27th May 2020 the Leader confirmed her Executive Arrangements for the 2020/21 Municipal Year. On 16th September the Leader presented amendments to those arrangements to Council. Minor constitutional amendments are recommended, reflecting the changes to the Leader's Executive arrangements.
- A review of arrangements for the publication and recording of delegated decision making has taken place in order to ensure that arrangements remain necessary, proportionate and fit for purpose. A further minor amendment to the Constitution is recommended for clarification.

2. Best Council Plan Implications (see the [latest version of the Best Council Plan](#))

- The Constitution must be maintained up to date and fit for purpose in line with the Council's Corporate Governance Code and Framework in addition to furthering the Council's value of being "open, honest and trusted."

3. Resource Implications

- There are no implications for this report.

Recommendations

General Purposes Committee recommend that Council approve amendments to the constitution as detailed in this report, and set out in the appendices attached, with immediate effect in particular to:

- Article 6 (Appendix A)
- Article 12 (Appendix B)
- Executive and Decision Making Procedure Rules (Appendix C)

1. Purpose of this report

1.1 This report sets out recommendations of General Purposes Committee in relation to amendments to the Constitution.

2. Background information

2.1 In April 2020 Executive Board received a report noting arrangements in relation to officer decision making practice and procedure. The report noted that arrangements, both in relation to business as usual and emergency response, were necessary, proportionate and fit for purpose. The report further noted that arrangements would be kept under review.

2.2 The Chief Officer Financial Services has undertaken a review of arrangements in consultation with directorate leadership teams, and reported to General Purposes Committee on 19th October 2020. In particular General Purposes Committee were advised that the newly developed 'delegated decision notice' (DDN) for creating a record of a delegated decision, provides an efficient and effective process for recording the minimum information required by legislation in relation to decisions taken by officers. The Corporate Report template is used to supplement this record by providing a fuller and more robust and transparent record of the information taken into account in reaching a decision. Similarly the full report captures a record of the way in which the decision taken reflects key policy concerns (for example climate emergency).

2.3 General Purposes Committee noted that arrangements moving forward require that for key decisions, and significant operational decisions valued over £100K the DDN should be supported by a full report (set out on the Corporate Report Template). However, it is recognised that the DDN can be used by officers to record significant operational decisions valued below £100K.

2.4 The Committee also noted that the DDN may be used as a stand-alone record of key decisions taken during any emergency response or recovery if necessary to provide responsive and agile decision making.

3. Main issues

Article 6

3.1 Minor amendments are required to Annex 2 of Article 6 to ensure that the reporting arrangements to each Scrutiny Board reflect the delegation of executive decision making as amended by the Leader.

3.2 Proposed amendments are shown at Appendix A attached.

Article 12

- 3.3 The Leader's amendments to Executive Arrangements reflect the management and reporting arrangements between the City Solicitor, Chief Officer Financial Services, Director of Resources and Housing and Chief Executive. Amendments proposed to Article 12 reflect these management and reporting arrangements.
- 3.4 Amendments also reflect that the Director of Resources and Housing has taken overarching responsibility for Access to information matters with specific areas of responsibility being addressed within his sub-delegation scheme.
- 3.5 Proposed amendments are shown at Appendix B attached.

Executive and Decision Making Procedure Rules

- 3.6 Rule 4.3.1 provides that the record of the decision shall be published "together with the report in relation to the decision made". The rule goes on to detail the matters which must by law be included in a decision record.
- 3.7 It is proposed to amend the rule to remove the reference to the report, which will continue to be published alongside the decision record in accordance with the guidance issued to officers, as approved by General Purposes Committee and described in the background information section above.
- 3.8 The proposed amendment is shown set out at Appendix C to this report.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 All relevant Directors were consulted in relation to the amendments to their delegated authority.

4.2 Equality and diversity / cohesion and integration

- 4.2.1 There are no implications for this report.

4.3 Council policies and the Best Council Plan

- 4.3.1 The Constitution must be maintained up to date and fit for purpose in line with the Council's Corporate Governance Code and Framework in addition to furthering the Council's value of being "open, honest and trusted."
- 4.3.2 The proposed amendments will maintain the transparency of governance and decision making arrangements in place.

Climate Emergency

- 4.3.3 There are no implications for this report.

4.4 Resources, procurement 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 There are no implications for this report.

4.6 Risk management

4.6.1 There are no implications for this report.

5. Conclusions

5.1 Amendments to the Constitution are necessary to reflect changes made by the Leader to her Executive Arrangements, and to ensure that the Council's governance and decision making arrangements are coherent and transparent.

6. Recommendations

6.1 General Purposes Committee recommends that Council approve amendments to the constitution as detailed in this report, and set out in the appendices attached, with immediate effect in particular to:

- Article 6 (Appendix A)
- Article 12 (Appendix B)
- Executive and Decision Making Procedure Rules (Appendix C)

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.