

Report of the Governance Review Delivery Group – Report No 1 2012/13

Council 20 May 2013

Chair: Councillor Claire Kober

1. Introduction

- 1.1 This report outlines the proposed detailed text changes to the Council's Constitution, for implementing the recommendations of the Governance Review Delivery Group as part of their annual evaluation of the Council's governance arrangements.

2. Background

- 2.1 At the Council meeting in January 2011 in regard to the Governance Review carried out by Shared Intelligence, the Council resolved to establish an informal Delivery Group of members with a view to making recommendations for adoption by full Council and implementation as from Annual Council in May 2011.
- 2.1 At the Council meeting in May 2011 the recommendations of the Delivery Group were approved, which involved text changes to the Council's Constitution and the development of a set of protocols. It was resolved that the Delivery Group would monitor the implementation of the Governance Review on an annual basis thereafter.
- 2.2 Following their evaluation of the changes implemented over 2011/12, the Delivery Group recommended a number of text amendments to the Council's Constitution, as well as to the set of protocols. The changes to the Constitution were approved at the Council meeting in May 2012.
- 2.3 At their meeting on 7 May 2013, the Delivery Group carried out their annual evaluation for 2012/13, of the changes implemented from the Governance Review. This report outlines the Delivery Group's proposals for amending the Council's Constitution, which are provided in full in Appendix 1 of this report, for implementation as from May 2013.

3. Constitutional Amendments

The following amendments to the Council Constitution are proposed, which are provided in full at Appendix 1.

- Procurement

The Constitution currently permits the Head of Procurement, in cases of serious breach of contract, to suspend any contractor from contract lists pending final decision by the Cabinet. It is proposed that the final decision is taken by the relevant Director for contracts up to £250k and by the Cabinet for contracts over £250k. This gives officers powers to a certain level in accordance with the limits in the CSOs.

Amendment to Appendix E Section 3 Officer Scheme of Delegation - Director Corporate Resources.

- Rent-setting

Each year the Council is required to review its rents and service charges to ensure that its Housing Revenue Account (HRA) does not go into deficit. The Council is required to give its tenants 28 days notice of any variation in rent and 7 days notice of any variation in service charge. Up to now, the rent and service charge setting has been done at the budget meeting of the full Council at the end of February. These timescales make it very tight to serve the required month's notice and for changes to take effect from 1 April.

However, the setting of rents and service charges is an Executive function, and it is proposed that it is carried out by the Cabinet. This would enable the decision on rents and service charges to be taken earlier in the year, offering greater flexibility of time to give the required notice and implement the changes on 1 April each year.

Amendment to Part 3 Section C Terms of Reference of Full Council.

- Village Green Applications

Under the Commons Act 2006, where the Council receives an application for a village green it is proposing to delegate the responsibility for administration of all applications to the Director of Place & Sustainability. The requirement to maintain a register of common land will be allocated to legal services.

In addition, where the Council has an interest in the land subject to the application, the Council will need to appoint an independent inspector to hold a non-statutory public inquiry and make recommendations to the Licensing Sub-committee on the village green application. It is proposed to designate the post of Assistant Chief Executive as the person responsible for appointing the Independent Inspector for these purposes.

Amendments to:

- (i) *Appendix E Section 4 Officer Scheme of Delegation*
- (ii) *Appendix E Section 3 Officer Scheme of Delegation*
- (iii) *Appendix E Section 2 Officer Scheme of Delegation*

4. Recommendations

4.1 It is recommended that members resolve:

- I. To approve the detailed text changes to the Constitution, for implementation from May 2013.

5. Appendices

Appendix 1 – Text amendments to the Constitution

APPENDIX 1: Text Amendments to the Constitution

1. Procurement

The following constitutional amendment to Appendix E Section 3 Officer Scheme of Delegation - Director Corporate Resources will be required. Extract below:

Non-statutory delegations

Other Financial Matters	
Power to remove contractors from Selective Tendering Lists when they have ceased trading or have requested to be removed. Power to suspend any contractor from the Lists in cases of serious breach of contract or unsatisfactory service delivery pending final decision by the <u>relevant Director for contracts valued at £250,000 (two hundred and fifty thousand) or less and by the Cabinet Procurement Committee for contracts valued over £250,000 (two hundred and fifty thousand)</u> .	HProc

2. Rent Setting

The following amendment to the constitution (Part 3 Section C Terms of Reference of Full Council) is required. Extract below:

SECTION 1 - THE COUNCIL

THE COUNCIL

Only the Council will exercise the following functions:

- (a) Adopting and changing the Constitution;
 - (b) Approving or adopting the policy framework as set out in Article 4, above;
 - (c) Approving the budget and levying Council Tax (NB. the setting of rents and service charges for Council properties to be determined by the Cabinet);
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3. Village Greens

Amendments are required to the following parts of the constitution:

- (iv) Appendix E Section 4 Officer Scheme of Delegation
- (v) Appendix E Section 3 Officer Scheme of Delegation
- (vi) Appendix E Section 2 Officer Scheme of Delegation

Appendix E Section 4 Officer Scheme of Delegation – Directorate of Place & Sustainability

Schedule of Statutory delegations

<u>Commons Act 2006</u> <u>Sections 6 to 17 and 24</u>	<i><u>Functions relating to applications for the registration and deregistration of common land, town and village greens</u></i>	<u>DP&S</u>
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Appendix E Section 3 Officer Scheme of Delegation – Directorate of Corporate Resources

Schedule of Statutory delegations

<u>Commons Act 2006</u> <u>Section 1</u>	<i><u>Keeping a register of common land and town and village greens</u></i>	<u>HLS</u>
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Appendix E Section 2 Officer Scheme of Delegation – Chief Executive's Service

Non-statutory delegations

<u>23. The appointment of an independent inspector to hold a non-statutory public enquiry and make recommendations to the Licensing Sub-Committee in relation to an application for the registration of common land and town or village greens</u>	<u>ACE</u>
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