

Proposals for Governance Review 2014
Schedule of Constitutional Amendments

Part 2 – Articles

Article 4 – Art 4.02 updated to correspond with Part 3 Section B (Full Council Responsibilities)

Article 6 – OSC call-in limited to key decisions

Article 7 – clarification around the role and powers of the Leader under the Local Government Act 2000

Article 8 – clarification that the remit of non-exec committees is wider than simply Regulatory Comm. and Corporate Comm.

Article 9 – Standards Comm. to consider amends to Constitution and refer to Council

Article 12 – Art 12.01 clarified to reflect new senior management structure and to refer to App C not D

Article 14 – clarification re. proper officer functions to ensure consistency across the Constitution

Article 15 – changes to Constitution to go via Standards Comm.

Part 3 Responsibility for Functions

Section A: Responsibility for Functions

- New section
- Introduction to clarify the functions of a local authority as being executive or non-executive and establish the division of decision-making and responsibilities between member committees and officers

Section B: Full Council & non-exec bodies

- Previously sat in Section C
- old Section B (Budget Policy Framework Sched) removed - duplicates Article 4.01, is covered within the responsibilities of full Council and is not needed

Amendments:

- Clarification of functions reserved to full Council with additional narrative - Council Tax Reduction Scheme; Community Infrastructure Levy; Statement of Licensing Policy; Statement of Community Involvement & Development Plan Documents (DPDs)
- Corporate Committee responsibilities updated consequent on new Staffing & Remuneration Committee (also included)
- Standards Committee responsibilities updated regarding constitutional review
- OSC responsibilities updated re call-in of key decisions
- Health and Wellbeing Board updated re new cabinet member membership
- Licensing functions reserved to Licensing Sub-Comm, and planning functions reserved to Planning Sub-Comm updated taking detail from old Officer Scheme of Delegation (tables in old Place & Sustainability section)
- Removal of section 9. All changes to the Constitution follow article 15.03

Section C: The Leader, the Cabinet & Cabinet bodies

- Previously sat in Section D

Amendments:

- Broader description of the Executive's role (general, policy, local leadership, finance, children's, adults, housing, regeneration & property, highways, contracts)
- Section 3 Leaders Conferences removed
- Section 4 new cabinet bodies removed – covered under section 2

Section D: Local Choice Functions

- Previously sat in Section A

Amendments limited to points of clarification

Section E: Officer Scheme of Delegation

Amendments:

- Provide the background principles to the Officer Scheme of Delegation including definition of 'Directors' as those officers responsible under delegated powers
- Establish general delegations to all Directors including legal, personnel, administrative, contracts and property matters
- Description of delegations specific to Statutory Officers in the performance of their statutory responsibilities (the Chief Executive, Chief Finance Officer, Monitoring Officer, Dir. Children's Services, Dir. Adults Services and Dir. Public Health)
- Updated Proper officer and specified officer functions

Part 4 Rules of Procedure

Section A: Council Procedure Rules

Amendments:

- Points of clarification regarding terminology and new senior management structure
- New rule 2 (ix) to allow other business to be considered at a Budget Setting Meeting as permitted at the AGM
- Rule 9.1 amended for consistency with rule 29.1 of Section B Committee Procedure Rules
- Rule 10.5 questions to be split 5/3
- Rule 15.9 clarified that alterations cannot be made by the submitting political group in advance of the meeting
- New rule 17.6 to provide for recorded votes at Budget Setting Meeting
- New rule 32 re. filming of meetings

Section B: Committee Procedure Rules

Amendments:

- Points of clarification regarding terminology and new senior management structure
- Rule 25 to clarify that the quorum of a meeting is 3
- Rules 29.2 and 29.3 amended for consistency with Section A Council Procedure Rules
- New rule 30 Deputations and rule 31 Petitions included from Council Procedure Rules
- New rule 60 to replicate rule 32 Council Procedure Rules re. filming of meetings
- New rule 61 to replicate rule 25 Council Procedure Rules re. suspension of standing orders

Section C: Miscellaneous Standing Orders

Amendments:

- Points of clarification regarding terminology, new senior management structure and consistency with other parts of the Constitution

- Rule 11 amended to replicate new rule 60 (Committee Procedure Rules) and rule 32 (Council Procedure Rules) re filming of meetings

Section D: Access to Information Procedure Rules

Amendments limited to points of clarification regarding terminology, new senior management structure and consistency with other parts of the Constitution particularly around the Executive and how this takes decisions

Section E: Budget & Policy Framework Procedure Rules

Amendments limited to points of clarification regarding terminology, new senior management structure and the decision making role of the Executive

Section F: Cabinet Procedure Rules

Amendments limited to points of clarification regarding terminology, new senior management structure and consistency with other parts of the Constitution particularly around the Executive and how this takes decisions

Section G: Overview and Scrutiny Procedure Rules

Amendments limited to points of clarification regarding terminology, new senior management structure and the role of call-in and key decisions.

Section H: Call-In Procedure Rules

Amendments limited to points of clarification and the role of call-in and key decisions.

Section I: Financial Procedure Rules

Amendments:

- Revised document removing areas of duplication and providing a more user friendly document
- Points of clarification regarding terminology, new senior management structure, the decision-making role of the Executive and consistency with other parts of the Constitution
- Proposes increased delegation to officers regarding virements (up to £250k) in line with key decision threshold. Decisions involving virements of £250k or more continue to be reserved to the Cabinet

Section J: Contract Procedure Rules

Amendments:

- Points of clarification regarding terminology, new senior management structure, the decision-making role of the Executive and consistency with other parts of the Constitution particularly around decisions between meetings of the Cabinet
- Proposes increased delegation to officers regarding the award of contracts in line with key decision threshold (up to £500k from £250k) and waivers (up to £250k from £100k). Decisions involving awards of contract of £500k or more and waivers of £250k or more continue to be reserved to the Cabinet
- Creates clarification around the approval and award of grant funding

Section K – Officer Employment Procedure Rules

Amendments:

- Points of clarification regarding terminology and the new senior management structure
- Makes provisions for Staffing & Remuneration Committee to appoint/dismiss staff of the Strategic Leadership Team and Statutory Officers (rather than Chief Officers and Deputy Chief Officers)
- Removes reference to K4 panels

Part 5 Codes and Protocols

Section A: Members' Code of Conduct

Amended and considered by Standards Committee on July 7 for recommendation to full Council on 21 July

Section B: Protocol on Member/Officer Relations

Amendments limited to points of clarification regarding terminology, new senior management structure and consistency with other parts of the Constitution

Section C: Protocol for Key Decisions

Amendments limited to points of clarification regarding terminology, new senior management structure and consistency with other parts of the Constitution particularly around the Executive and how this takes decisions

Section D: Protocol for Decision-Making

Amendments limited to points of clarification regarding terminology, new senior management structure and consistency with other parts of the Constitution particularly around the Executive and how this takes decisions during urgency

Part 6 Members' Allowances Scheme

The Scheme will be updated consequent on the proposed introduction of the Staffing & Remuneration Committee and presented to full Council for approval at its meeting of 21 July.

Appendices

App A: Cabinet portfolios

No change

App B: Council Appointments to Committees

No change

App C: CEMB structure chart

This has been replaced by the Chief Executive's Senior Management Structure chart

App D: Senior Management Structure

This is no longer required. It is replaced by the chart at App C

App E: OSD

This part is removed. All detail now sits in Part 3 Section E.