

REPORT TO Executive and Council

Date of Meeting: 12 December 2017 and 19 December 2017

Report of: Corporate Manager, Democratic & Civic Support

Title: AMENDMENTS TO THE CONSTITUTION INCLUDING THE SCHEME OF DELEGATION, STANDING ORDERS AND CONTRACT REGULATIONS

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

1.1 This report sets out proposals to amend the Scheme of Delegation to Officers to match operational arrangements, taking particular account of the recent restructure of senior management; to revise the deadline times to those Standing Orders which include requests to speak at Committees, Notices of Motions and Questions to Council; and to update the Contract Regulations.

2. Recommendations:

That the Council approve:-

- (1) the changes to the Scheme of Delegation to Officers set out in Appendix 1 to this report;
- (2) the amendments to Standing Orders No. 6, 8, 19 and 19A as set out in Appendix 2 to this report;
- (3) the amendment to Scrutiny Procedure Rules - Questions to Portfolio Holders as set out in Appendix 3 to this report; and
- (4) the update to the Contract Regulations(C4.4.1) as set out in Appendix 4 to this report.

3. Reasons for the recommendation:

3.1 To ensure that the Scheme of Delegation to Officers is up to date and matches the operational arrangements of the Council, thereby ensuring that day to day operational decisions can be taken.

To ensure that there is clarity and consistency with the times quoted in Standing Orders so as to enable full and detailed consideration in the preparation of responses to Notices of Motion and Questions, can be given.

4. What are the resource implications including non financial resources.

4.1 None

5. Section 151 Officer comments:

- 5.1 There are no additional financial implications contained within this report.

6. What are the legal aspects?

- 6.1 The Council is required to maintain an up to date version of the Constitution and to ensure that it is widely available for consultation by Members, officers and the public.

7. Monitoring Officer's comments:

- 7.1 This report raises no issues of concern for the Deputy Monitoring Officer.
- 7.2 It will be noted that Article 11 – 11.03(9) of the Council's Constitution makes clear that the Monitoring Officer must maintain an up to date version of the constitution and this report ensures that the Council's Constitution is updated as required by law. If approved, the amendments will be incorporated into the Council's constitution.

8. Report details

Scheme of Delegation

- 8.1 The Scheme of Delegation to Officers is the working document which sets out the powers officers have to make decisions on a day to day basis. It therefore needs to be up to date to match operational arrangements.
- 8.2 This latest amendment to the Scheme of Delegation has been necessary following the appointment of the Strategic Management Board (SMB), and subsequent re-alignment of services under the Council's new Directors.
- 8.3 SMB has reviewed their own delegated powers together with that of their officers who are involved in the operational management of services to ensure they are fit for purpose; meet all applicable legislative requirements; and provide clarity in their responsibilities.
- 8.4 The revised version of the Scheme of Delegation is set out in Appendix 1 to this report.

Standing Orders

- 8.5 Whilst updating the Scheme of Delegation, the opportunity has been taken to review a number of the Council's Standing Orders, principally those surrounding the timing of notification of Notices of Motion, Questions to Council and Public Questions.
- 8.6 This review was felt necessary to:-
- (a) Assist with the administrative burden that the current very tight deadlines offer officers and Members to prepare appropriate responses;
 - (b) Ensure that there is a consistent time given in all circumstances (rather than the differing times currently applicable);

It is proposed to amend the time to **10.00am** in the following Standing Orders below (Appendix 2):-

- Standing Order No.6 – Notices of Motion at Council – *deadline – not later than 10.00am 5 clear workings days before the meeting*
- Standing Order No.8 – Questions at Council – *deadline – questions not later than 10.00am on the day preceding the Council meeting*
- Standing Order No.19 – Public Questions at Scrutiny Committees – *deadline not later than 10.00am 3 workings days in advance of the Committee Meeting*
- Standing Order No.19A – Public speaking at Planning Committee – *deadline – not later than 10.00am two clear working days in advance of the Committee*

- 8.7 It should be noted that there is no proposal to change the number of working days for the deadline for these notifications, just the deadline time on those days.

Scrutiny Procedure Rules

- 8.8 On 13 November 2017 the Annual Scrutiny Work Programme meeting took place with Chairs and Deputy Chairs of the Scrutiny Committee, the Leader and Portfolio Holders.
- 8.9 At this meeting discussion took place with regards to Portfolio Holders being able respond to Members questions at Scrutiny Committees on matters relevant to their responsibilities.
- 8.10 This was supported by all the Members attending the meeting.
- 8.11 To address this it is proposed to amend the Scrutiny Procedure Rules to add the following to point 9;
- **Questions to Portfolio Holders (Standing Orders 19 and 20) –**
Portfolio Holders may be invited by the Chair(s) of Scrutiny Committees to respond to Committee Members questions in relation to their portfolios.

Contract Regulations

- 8.12 A minor change has been made to the Contract Regulations (C4.4.1) to include the Litigation Solicitor.
- 8.13 The Executive is reminded that the Corporate Manager, Democratic and Civic Support has delegated authority to make “minor” amendments to the constitution at any time.
- 8.14 Once these changes have been approved, a revised up to date version of the constitution will be made available to Members.

9. How does the decision contribute to the Council’s Corporate Plan?

9.1 It ensures that the Council is working as efficiently as possible.

10. What risks are there and how can they be reduced?

10.1 There are no risks associated with the proposals.

11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?

11.1 None

12. Are there any other options?

12.1 No.

John Street

Corporate Manager, Democratic & Civic Support

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

Contact for enquires:

Democratic Services (Committees)

Room 2.3

01392 265275