



REPORT OF:	DIRECTOR OF HR, LEGAL & CORPORATE SERVICES
TO:	COUNCIL FORUM
ON:	21st JULY 2016

SUBJECT: CONSTITUTION AND PAY POLICY UPDATE

1. PURPOSE OF THE REPORT

- 1.1 To advise the Council that the Constitution has been updated following changes in organisational structure previously noted and agreed, statutory changes, changes to the delegations following the structural changes and amendments to the Scheme of Delegation to officers in respect of planning applications agreed by the Council on 1st October 2015.
- 1.2 To seek approval to adopt the revised terms of reference for the Audit and Governance Committee as set out in the draft Constitution and to agree the changes to the membership of the Audit and Governance Committee.
- 1.3 The proposed updated Constitution is publicly available on the Council's website with the Agenda for this meeting and is available in printed form in the Group rooms.
- 1.4 To also report the changes re the agreed Pay Policy so the Policy agreed at Finance Council can be updated to reflect the recent national Pay Awards for Chief Executive and Chief Officers.
- 1.5 The current Pay Policy is published on the Council's website.

2. RECOMMENDATIONS

To approve:

- a) the amendments made to the Constitution to reflect the resolutions/decisions made at full Council since April 2015:
- b) the amendments made to the Constitution to reflect changes to the portfolios, the senior management structure, the delegations and legislative changes;
- c) the amendments to the terms of reference for Audit and Governance Committee set out in the Constitution.
- d) the amendment to the membership of the Audit and Governance Committee as set out in this report.
- e) the revisions to the Pay Policy.

3. CONSTITUTION UPDATE

The Constitution is a key document setting out the governance framework of the Council. From time to time the constitution needs to be updated to reflect changes in legislation, resolutions passed by Council, portfolio changes made by the Leader, and changes made to the Council management structure and delegations. The Constitution was last updated in April 2015.

The main changes are as follows:

- a) The Long Term Strategic themes, as reported to Policy Council on 3rd December 2015, have now been included.
- b) The functions of Officers identified in Article 12 now includes the Registrar of Birth Marriages and Deaths and makes reference to the statutory posts of Senior Information Risk Officer and the Senior Responsible Officer for RIPA.
- c) As regards the Planning and Highways Committee's powers (Part 3/Section 3), on the 15th May 2016 the Department for Communities and Local Government published a document called "The Planning Applications Decisions - Major and Minor Developments, England". As a result the Government policy now splits development into 3 parts i.e.
 - Largescale Major Developments for 200 dwellings or more; or a site area of 4 hectares or more;
 - Smallscale Major Developments for between 10 and 199 dwellings (inclusive); or a site area of 0.5 hectare and less than 4 hectares;
 - Minor Developments for dwellings, for between 1 and 9 inclusive dwellings, or where a site area is less than 0.5 hectares.

Unfortunately the changes made by the Government do not align with the current in-house arrangements based upon the split being at 50 dwellings or more. For that reason, the amendments that appear in the Draft Constitution as regards the delegations between Planning and Highways Committee and the Director of Planning and Prosperity are introduced to ensure that the current arrangements are continued with.

- d) The Audit and Governance Committee (Part 3/Section 9) reflects the revised terms of reference considered by the Committee in January 2016. The Council needs to agree to the amendments to the terms of reference for Audit and Governance Committee as set out in the draft Constitution. The proposed revision will align the role, function and membership of the Committee with the 'Audit Committees - Practical Guidance for Local Authorities and Police, published by CIPFA in 2013.

Furthermore it will be noted that in accordance with the new terms of reference under Membership it says:-

"The Committee will consist of 6 members appointed by Full Council. In addition the Executive Member for Resources will also attend each Committee meeting. The Leader of the Council and all Executive Members are precluded from being voting members of the Committee."

With that change Councillor Kay, as Executive Member for Resources, will have to be replaced as a member of the Audit and Governance Committee but will still attend each meeting.

- e) Portfolios for Executive Members (Part 3/Section 15) reflect the new arrangements.
- f) Officer Scheme of Delegation (Part 3/Section 16) together with Proper Officer Provisions (Part 3/Section 17) has also been amended to reflect the current arrangements.

- g) The Access to Information and Decisions and Attendance at Public Meetings Procedure Rules (Part 4/Section 2) has been reorganised to make it easier to read.
- h) Code of Corporate Governance (Part 4/Section 6) - Members will note that following the publication in April 2016 of “Delivering Good Governance in Local Government: Guidance Notes for English Authorities (2016 Edition)” by CIPFA & SOLACE the current Code of Corporate Governance will be reviewed during 2016.
- i) The new Chief Officer /Management Board structure has been inserted under Part 8.

4. PAY POLICY UPDATE

The Council approved the Pay Policy for 2016/17 at Finance Council on 29th February 2016. Since that meeting the Joint Negotiating Committee (JNC) for Chief Executives of Local Authorities and Joint Negotiating Committee (JNC) for Chief Officers of Local Authorities agreed national pay awards of 1% respectively from 1st April each year for 2016/17 and 2017/18. Reflecting these collective agreements recognised by the Council the Pay Policy requires updating to reflect these changes.

5. CONSTITUTION POLICY IMPLICATIONS

Constitutions set out the governance framework for local authorities, which provide the foundations for any local authority that aspires to be effective, progressive and successful.

6. FINANCIAL IMPLICATIONS

None

7. LEGAL IMPLICATIONS

The Local Government Act 2000 requires local authorities to prepare, keep up-to-date and publicise their constitution.

8. RESOURCE IMPLICATIONS

None

9. EQUALITY IMPLICATIONS

The constitution update reflects changes in legislation. It also reflects various resolutions passed at Council, which would have been subject to an equality assessment, if any.

10. CONSULTATIONS

Council Chief Officers and Members

Contact Officer: David Fairclough, Director for HR Legal & Corporate Services (01254 585642)/
John Bremers, Senior Projects Consultant Legal Services (01254 585815)

Date: 6th June 2016

Background Papers: None