



REPORT OF:	The Monitoring Officer
TO:	Standards Committee
DATE:	7th December 2016

SUBJECT: Council Constitution - Update

1. PURPOSE OF THE REPORT

To remind the Committee of the July 2016 update to the Council Constitution and roles and responsibilities of members and officers.

2. RECOMMENDATIONS

This report is for information

3. BACKGROUND

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 and the main changes agreed by Council in July were 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 did not align with the current in-house arrangements based upon the split being at 50 dwellings or more. For that reason, the amendments that now appear in the Constitution as regards the delegations between Planning and Highways Committee and the Director of Planning and Prosperity were introduced to ensure that the current arrangements are continued with.

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

In accordance with the new terms of reference under Membership it now 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, had 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) now reflect the new arrangements.

f) The Officer Scheme of Delegation (Part 3/Section 16) together with Proper Officer Provisions (Part 3/Section 17) was also amended to reflect the current arrangements.

g) The Access to Information and Decisions and Attendance at Public Meetings Procedure Rules (Part 4/Section 2) was reorganised to make it easier to read.

h) Code of Corporate Governance (Part 4/Section 6) - 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.

It should be noted by the Committee that as referenced above there have been some changes to the Constitution which impact upon the roles of Members and Officers however there have been no changes to the Members Code of Conduct or the Procedures operated by this Committee.

The updated Constitution is publicly available on the Council's website. It should be noted that since the Council meeting in July there has been a further revision to the Chief Officer structure which will require an update to the Constitution. This will be reported for approval to Council Forum in due course.

4. RATIONALE

The Committee has a role in promoting and maintaining high standards of conduct by councillors and co-opted members and confirmation of the changes to some roles and responsibilities is highlighted for members information.

5. LEGAL IMPLICATIONS

The statutory provisions for the Standards Framework are set out in the Localism Act 2011 and remain reflected in the Constitution.

6. 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. The Governance framework in local authorities is necessary to promote and maintain high ethical standards, and to ensure public confidence.

7. FINANCIAL IMPLICATIONS

None contained in this report.

8. CONSULTATIONS

Council Chief Officers and Members

Chief Officer/Member

Contact Officer:

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Date:

29th November 2016

Background Papers:

The Localism Act 2011

Council Constitution July 2016