

Annual Council – 21st May 2018

Constitution and timetable of meetings 2018/2019

1. Summary of report

- 1.1 This report sets out proposed amendments to the Constitution and is produced in accordance with the requirements of Article 13 of the Constitution and the Council's duty to monitor and review the Constitution.
- 1.2 The report also sets out the timetable of meetings to be adopted for the municipal year 2018/2019.

2. Recommendations

- 2.1 That the amendments to the following parts of the Constitution as set out in the report be approved:
 - (a) Part 2 – Articles:
 - Article 4 – Policy framework
 - Article 8 – Regulatory and other Committees
 - Article 10 - Officers
 - (b) Part 3 – Responsibility for functions:
 - 3.2 – Scheme of delegations to Committees
 - 3.5 – Scheme of delegations to officers
 - (c) Part 4 – Rules of procedure
 - 4.1 – Council Procedure Rules
 - 4.7 - Financial Rules
 - (d) Part 5 – Codes and protocols:
 - 1 – Member's Code of Conduct
 - 16 – Use of Councillor resources by Councillors
- 2.2 That Council decides whether to establish a Corporate Parenting Board as a Committee of the Council.
- 2.3 That Council considers the recommendation of the Education and Children's Overview and Scrutiny Committee to replace the Education and Children's Services Overview and Scrutiny Committee with an Education Overview and Scrutiny Committee and a Children's Services Overview and Scrutiny Committee.
- 2.4 That the Members' Allowances Scheme be approved for a further 12 months subject to any changes to structures or responsibilities.

2.5 That the timetable of meetings for the municipal year 2018/2019 as set out in **Appendix 9** of the report be approved.

3. Background information

3.1 Part 2 – Articles of the Constitution

(a) Article 4 – The Council – Policy framework

The Children and Young People's Plan be removed from 4.01 (a)(i) and inserted into 4.01 (a)(ii).

(b) Article 8 – Regulatory and other Committees

It is proposed that (subject to it being established by Council) the following be included within the list of Regulatory and other Committees:-

- Corporate Parenting Board

(c) Article 10 – Officers

This Article sets out the senior management structure. It defines the roles of the Chief Executive and Directors and Statutory Officer functions.

It is proposed that:-

- Reference to the post of Executive Director for Change and Governance be removed and replaced with Executive Director Resources and Transformation.
- The roles of Data Protection Officer and Statutory Scrutiny Officer are included within 10.1 (c) with respective functions set out in 10.05 and 10.6.

A revised version of Article 10 (with tracked changes) is attached as **Appendix 1**.

3.2 Part 3 – Responsibility for functions

(a) Part 3.2 – Scheme of delegations to committees of non-executive functions to committees

The delegations to Committees in the Constitution are reviewed on a regular basis to reflect changes in legislation. Council are asked to note:-

- the amendments to the changes in relation to the Licensing and Safety Committee delegations (shown in tracked changes) at **Appendix 2**; and in addition,
- that the terms of reference for each Scrutiny Committee are being refreshed and will be circulated as **Appendix 3** in due course.

Council is also asked to consider the:-

Establishment of the Corporate Parenting Board

Council is invited to consider the establishment of the Corporate Parenting Board as a Committee of the Council to provide clear governance, responsibility and accountability in terms of the Council's role as a Corporate Parent. The proposed Terms of Reference are attached as **Appendix 4**.

Establishment of an additional Scrutiny Committee to focus on Education

Council is invited to consider the following recommendation from Children's Services Overview and Scrutiny Committee at its meeting held on 16 October, 2017:-

'That a recommendation be made to the Council that the Constitution and structure of the Council be amended in order that the Education and Children's Services Overview and Scrutiny Committee be replaced by an Education Overview and Scrutiny Committee and a Children's Services Overview and Scrutiny Committee.'

The proposed Terms of Reference relating to the existing Children's Services Overview and Scrutiny Committee and additional Education Overview and Scrutiny Committee will be included as part of **Appendix 3** which shall be circulated in due course.

(b) **Part 3.5 – Scheme of delegations to officers**

The delegations to officers under the Constitution are reviewed on a regular basis to reflect changes in legislation, structural and organisational changes within the Council.

At its meeting on 21 April 2018 the Audit Committee reviewed the proposed amendments to the scheme of delegations to officers. Following the meeting a number of further amendments were requested. A copy of the revised Scheme of delegations of functions to officers considered by Audit is reproduced (showing tracked changes) as **Appendix 5**. Subsequent changes are shown within the report in bold.

3.3 **Part 4 – Rules of Procedure**

(a) **Part 4.1 – Council Procedure Rules**

Procedure rules have been amended at 10.3 'Notice of Questions' to provide clarity on the meaning of clear days. The words 'A clear day is a day on which the Council House is open for council business' are to be inserted.

(b) **Part 4.7 - Financial Rules**

At its meeting on 21 April 2018 the Audit Committee reviewed the Financial Rules. A copy of the revised Financial Rules is attached (showing tracked changes) as **Appendix 6**.

3.4 **Part 5 – Codes and protocols**

(a) **Article 1 – Member’s Code of Conduct**

At its meeting on 22 January 2018 the Standards Committee reviewed the proposed amendments to the Members Code of Conduct. Suggestions from the Committee were accepted and the revised code is attached as **Appendix 7**.

(b) **Article 16 – Use of resources by Councillors Protocol**

The use of Resources by Councillors Protocol has been updated to reflect that:-

- The Council has a duty to comply with the requirements for information and cyber security under data protection law;
- The use of personal email accounts must not be used for council business as the Council;
- The requirement for all Councillors to ensure they complete their information governance mandatory training every year (between 1st of April and 31st March);
- Resources available to Councillors include Smartphones and tablet devices.

A revised version of Article 16 is attached as **Appendix 8**.

4. **Members Allowances Scheme**

The Council adopted the current scheme of members allowances on 17th November 2014 to be operational from 17th November 2014 as required by the Local Authorities (Members Allowances) (England) Regulations 2003. Council also adopted the recommendation made by the Independent Review Panel to rely on an index for 4 years instead of reviewing the scheme annually, this index being the annual updating in line with the NJC pay award for officers.

A review of the scheme was subsequently undertaken in the early part of 2017 at the request of the controlling administration. Council agreed on 10th April, 2017 that:

“the criterion for the annual updating of members’ allowances should be the NJC officers award, except when Council staff agree to a lower percentage rise, freeze or reduction, in which case that figure should be applied equally to members allowances”.

Members are asked to approve the scheme of members allowances for a further 12 months subject to any changes to structures or responsibilities.

5. Timetable 2018/2019

The draft timetable which is recommended for approval is attached as **Appendix 9**.

In order for business to be administered in the most effective way possible, it is important that once the timetable is agreed by the Council, only in the most exceptional circumstances should meeting dates be re-arranged.

Background papers

Report to Audit Committee – 21 April, 2018

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A handwritten signature in black ink, appearing to read "Anthony A.", is centered on the page. The signature is written in a cursive style with a large initial 'A'.

Head of Legal and Democratic Services

11th May 2018