

Committee:	Constitution			
Date of Meeting:	20 April 2021			
Subject:	Constitution review update			
Report Author:	Transformation Business Partner			
Contact Officer:	Paul Joghee tel: 07920181074			
Implications:	Legal	<input checked="" type="checkbox"/>	Community Safety	<input type="checkbox"/>
	Equalities	<input type="checkbox"/>	Environment	<input type="checkbox"/>
	Financial	<input type="checkbox"/>	Consultations	<input checked="" type="checkbox"/>
	Staffing	<input type="checkbox"/>	Other	<input type="checkbox"/>
Wards Affected:	All			

Purpose

1. The purpose of this report is to provide an update to Committee on work completed and the revised timeline for completion following the work completed by the Association of Democratic Services Officers (ADSO).

Recommendations

2. **The Committee is recommended to:**
 - (a) Note the work completed
 - (b) Note the revised timeline for completion

Report

3. The 2020 case for change set out the key aims and objectives for the review.
 - a. To have a system of governance that identifies and reduces organisational inefficiency, allows timely decision making, provides appropriate devolution to officers to take and implement decisions (within the schemes of delegation framework), that elected members are comfortable with and confident in.
 - b. To review some of the administrative processes that give effect to the Scheme of Devolved Financial Management, the arrangements in place for managing executive reporting, the engagement of scrutiny and the specific rules applying to Development Control Committee.
 - c. Review and update the financial regulations, scheme of delegation and standing orders, as required.
 - d. Review the number of Parts within the constitution and agree what should be included within the new format.
 - e. Where possible, write in plain English and ensure that the whole document meets Equality Act 2010 requirements.

4. Progress to date
 - a. Case for change agreed
 - b. Procurement threshold changed to £5,000
 - c. Member consultation
 - d. Officer consultation
 - e. Accessibility and plain English work completed (except Part 4)
 - f. Parts 6 & 7 updated to include new officer portfolios and changes to job titles
 - g. Association of Democratic Services Officers (ADSO) completed the review of Parts 4, 6&7
 - h. Ward Member Protocol developed
 - i. The reduction in Parts removing HR policies pertaining to both Members and Officers
 - j. Digitisation work underway, landing pages, layout and search functionality
 - k. Development of a glossary
 - l. Proper Officer functions gap identified
5. We received 11 responses from the Member consultation, the key themes where:
 - a. It is too long, the language is sometimes difficult to understand
 - b. More involvement in decision making
 - c. There should be room for delegation but authority rests with the Members
 - d. Members should ultimately be responsible for decision making and be central to the process
 - e. Better communication with Ward Councillors
6. We received 34 responses from the consultation with Officers, key themes where:
 - a. A lack of understanding around processes and procedures
 - b. Inconsistency in the application of processes and procedures
 - c. Too many layers to make decisions
 - d. It is a long complicated document that lacks clarity
 - e. More devolved financial management and control over budgets
 - f. Clear processes and tool-kits needed to aide understanding
7. Accessibility and plain English review completed on all Parts with the exception of Part 4 are updated and available in the new format.
8. The Executive and Non-Executive scheme of delegation review completed by senior managers, this included all job role and job title changes and legislation.
9. The work that ADSO carried out highlighted a considerable number of issues within Part 4 and this will require detailed work to complete by experienced staff.
10. The work that ADSO carried out on Parts 6 highlighted that it contains non-executive delegations for example 2/213 refers to section 81 of the Building Act 1984. It also includes delegations that are operational such as processing right to buy, gathering equalities information, sending debts to finance to write off and these do not need to be in the scheme of delegation.

11. ADSO have suggested that we bring the Parts 6 & 7 together into one scheme reducing the overall size of the document and making it easier to use.
12. ADSO have also recommended a general delegation to Officers that would allow them to act on “anything not expressly reserved to the Executive or to any other Committee or Sub Committee”. This would provide cover for anything missed in the scheme.
13. Following the review of Part 7, ADSO have recommended we take a closer look at the following:
 - a. The Powers the Chief Executive to act in emergencies and for other Chief Officers to act in his/her name.
 - b. The general delegations for staffing
 - c. The discharge of functions relating to elections.
 - d. Appointing any panels – such as disciplinary panel for Chief Officers
 - e. Pensions and Early Retirement
 - f. Redundancy Payments
 - g. Settlement Agreements
 - h. Settling legal proceedings
 - i. Secondments
 - j. Ombudsman – agreeing local settlements
 - k. Anything relating to Council Companies? E.g. exercising voting rights at general meetings
 - l. All of the Statutory Officer delegations Section 151 and Monitoring Officer – for example the MO must have some delegations to deal with Standards matters.
 - m. A general delegation enabling designated officers to delegate down
 - n. The length of some of the delegations such as the Monitoring Officers power to amend the Constitution.
14. A revised version of the Ward Member Protocol presented to the Constitution Committee in March 2021 and commended to Full Council for adoption.
15. We have identified the Parts of the Constitution that are not required within the document itself, these Parts are as follows:
 - a. Part 11 – Code of Conduct for Employees – Human Resources Policy.
 - b. Part 12 – Whistleblowing Policy – Human Resources Policy.
 - c. Part 13 – Scheme of Members Allowances – Can be published separately on the website.
 - d. Part 14 – Registering of members Interests – Can be published separately on the website.
 - e. Part 15 – Register of Members – Can be published separately on the website.
 - f. Part 16 – Other Protocols – Could become an appendix to Part 4.
 - g. Part 17 – Complaints against Members – Can be published separately on the website.
 - h. Part 18 – Complaints procedure – Human Resources Policy.
 - i. Part 19 – Management structure – This could be added to Part 3.
 - j. Part 20 – Disciplinary and grievance procedure – Human Resources Policy.

16. The opportunity also exists to bring together Parts 3, 6 and 7 into one Part that covers the Responsibility for Functions and delegations, we would like to give this serious consideration going forwards.
17. The digitization work on the new layout and landing pages continues on the Parts that have met the accessibility requirements.
18. An overarching glossary is in development.
19. Work has started to close a gap highlighted by ADSO regarding "Proper Officer" functions, further details will be presented to Committee.

Proposal/Options

19. To continue the work required to complete the review, as follows:
 - a. Review ADSO work on Part 4 and update document
 - b. Proper Officer definition to be agreed
 - c. Review Part 2 and update document
 - d. Confirm what Parts can be removed
 - e. Confirm next steps for Parts 3, 6 and 7 and update as appropriate
 - f. Continue the digitization work; developing the landing pages and navigation function with the Parts that have met the accessibility regulations.
 - g. Continue to develop the overarching glossary
20. As noted above, work to complete the review requires experienced Officers who have expertise in constitutional matters. This has presented a resourcing challenge to complete this work for Annual Council in May 2021. Following discussions with The Chief Executive, the reluctant steer, and noting the capacity to complete this big piece of work, is to pause the work until after the election and Annual Council and then to fully focus on working through the suggested changes. With this in mind, we have a revised timeline for completion by the end of 2021.

Appendix

List of Background Papers - Local Government Act 1972, Section 100D

20. None

Implications

Item	Details	Clearance Agreed By	Dated
Legal			
Finance			
Equalities			
Environment			
Community Safety			
Staffing			
Consultations	As set out in the body of the report.	Angela Claridge, Monitoring Officer	11.03.2021
Other			