
Subject: REVIEW OF THE CONSTITUTION 2018 – GENERAL AND ADMINISTRATIVE AMENDMENTS

Meeting and Date: Governance Committee – 28 June 2018
Council – 25 July 2018
Planning Committee – 20 September 2018

Report of: Director of Governance (Monitoring Officer)

Classification: UNRESTRICTED

Purpose of the report: Article 15 of the Constitution requires the Monitoring Officer to conduct regular reviews of the Constitution. A report has previously been considered in respect of the training criteria for various committees and this report seeks to be cover more general and administrative amendments.

Article 15, paragraph 15.02(a) requires that amendments to the Constitution will only be approved by Council (or its committees) after consideration of the proposal by the Governance Committee.

Article 15, paragraph 15.02 (d) enables proposed changes to the Constitution relating to the amendment of the title of an officer to be approved by the Monitoring Officer.

Part 3, Section 6, Sub section A Paragraph 12 of the Constitution allows for the Scheme of Officer Delegations (Part 3, Section 6) to be amended from time to time by the Council.

Recommendation: That the Planning Committee note the proposed changes in the Review of the Constitution 2018 issue no. 21, specifically relating to Part 3, Responsibility for Functions, Section 1 (Responsibility for Local Choice Functions), Section 2 (Responsibility for Council Functions) and Section 6, Sub Section C (Scheme of Officer Delegations) which are planning functions.

1. Introduction and Background

1.1 Article 15 of the Council's Constitution makes provision for the regular review of the Constitution by the Monitoring Officer on an annual and ad-hoc basis. This report forms the second report as part of the Review of the Constitution 2018 following from the report on 'Training and Development for Members' which was approved by Council at its meeting held on 23 May 2018.

1.2 Since the introduction of the first version of the Constitution in 2002, the Council has revised the Constitution twenty times. The Review of the Constitution 2018, which has been undertaken by the Director of Governance / Monitoring Officer in conjunction with the Solicitor to the Council and the Democratic Services Manager, will be the twenty-first revision resulting in the proposed draft version 21.

1.3 Due to the size of the Council's Constitution, it is not practical to conduct a detailed analysis of nearly 500 pages on an annual basis and instead specific areas are selected each year for review. This year's review has concerned itself with improving transparency and accessibility, reflecting structural changes to the Council's

organisational structure and the collation of changes made by decision-making bodies such as the Cabinet or Council during the course of the previous year.

1.4 The focus for the Review of the Constitution 2018 has been as follows:

- (a) Consequential amendments arising from changes to the Council;
- (b) General tidying up of areas for clarity or consistency;
- (c) Amendments to the scheme of officer delegations; and
- (d) Other changes.

2. **Approval of Amendments to the Constitution**

2.1 The changes to the Constitution come in three types – changes requiring Executive approval, changes delegated to the Director of Governance/Monitoring Officer to approve and changes requiring Council approval.

2.2 The details of the changes that affect the Planning Committee are set out below.

Amendments to the Scheme of Officer Delegations

2.3 These changes are set out in Appendix 1 and implement a number of changes (a) resulting from restructuring; (b) changes to legislation; (c) previously agreed by the Council; or (d) previously agreed by the Executive (through either Cabinet decisions or delegated decisions). These changes do not grant new delegated powers other than to implement those agreed by Council or the Executive.

2.4 An additional amendment concerns the use of the term 'operational manager(s)' which has been replaced with the more accurate term of 'specified officer(s)'. This change is for clarity and does not change the nature of the delegation.

2.5 Although the full Council is only responsible for delegations relating to Council functions, it is asked to approve the scheme of officer delegations in its totality in the event that there has been an erroneous misclassification of functions.

2.6 The Planning Committee is asked to note the proposed changes, which have already been approved by Council and the Leader of the Council, that relate to planning functions.

3. **Identification of Options**

3.1 Option 1: To note the changes proposed as part of the Review of the Constitution 2018 as submitted.

3.2 Option 2: To not note the changes as part of the Review of the Constitution 2018 as submitted.

4. **Evaluation of Options**

4.1 Option 1 is the preferred option as it enables the efficient operation of the authority to continue.

4.2 Option 2 is not the preferred option. The changes have already been approved by the Council are presented to the Planning Committee for note.

5. **Resource Implications**

There are no resource implications arising from the Review of the Constitution.

6. **Appendices**

Appendix 1 – Scheme of Officer Delegations

7. **Background Papers**

Local Government Act 2000 and the regulations made under that Act

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