

REVISED CONSTITUTION

Report of the Cabinet Member for Finance and Democratic Services

Date: 15th May 2018

Officer Title: Agenda Item 11

Officer Title: Bal Nahal

Local Ward: N/A

Members

APPENDIX A

Lichfield
district council
www.lichfielddc.gov.uk

Council

1. Executive Summary

- 1.1** The Lichfield District Council Constitution was last comprehensively reviewed in 2002 and although it has been updated frequently, it was considered timely to revisit the document to reflect some recent changes in legislation, clarify delegations and process and also to make it easier to navigate. The revised Constitution can be found at **Appendix A**
- 1.2** The Strategic O&S Committee met on the 31st January 2018 and set up a Member Task Group to look at the proposed changes to the Constitution. It consisted of Councillors Tittley, Mrs Woodward, Powell and Wilcox. Their comments then fed back into a special Strategic O&S Committee on the 27th March 2018
- 1.3** The following areas were discussed and agreed to be recommended to Council as amendments along with the revised Constitution as a whole
- That there should be flexibility in Committee membership numbers whilst still retaining political balance
 - That Planning Committee should reduce to 15 Members (this was also considered by the Economic Growth, Environment & Development O&S Committee in January 2018)
 - Cease with the IRP's recommendation of withholding the 12th month of allowance if 75% attendance is not reached
 - That the Vice Chairs of Employment Committee and Audit & Member Standards Committee receive a SRA (25% of the value of the Chair's SRA)
 - That specific reference to commercialisation be made to ensure transparency. This is referred to in Part 2 paragraph 11.8.1 and shown below.
The Council may choose to deliver services in different ways or through alternative governance arrangements. Any such changes will be agreed through existing approval mechanisms, and, where required, amendment of the constitution.
 - That Cabinet meetings are only considered quorate if either the Leader or Deputy Leader of the Council are in attendance.
 - That the Key Decision limit for expenditure, income or savings be increased to £75k from £50k as a result of the original figure being in place since 2002. The Contract Procedure Rules have amended to reflect this change.
- 1.4** Whilst there is scope to amend the contents of the council's Constitution, there are certain elements that have to be included. Some of the other elements have to be made available to officers, members and the public and therefore including them in the Constitution allows all 'governance' type documents to be accessed in one place. Such elements include the Members Allowances Scheme, Financial Regulations and Code of Conduct.

- 1.5 All these amendments have been made other than changes to the IRP's report.
- 1.6 With the introduction of the Modern Gov digital system, the Constitution will be easier to access electronically and search for within the Council's website for Members, the public and Officers.

2. Recommendations

- 2.1 To approve and adopt Lichfield District Council's Constitution;
- 2.2 Cease with the IRP's recommendation of withholding the 12th month of allowance if 75% attendance is not reached; and
- 2.3 That the Vice Chair of Employment Committee and Audit & Member Standards Committee receive a SRA (25% of the value of the Chair's SRA).

3. Background

- 3.1 The Constitution consists of 7 parts: Summary and Explanation, Articles, Responsibility for Functions, Rules of Procedure, Codes and Protocols, Councillors Remuneration Scheme and Governance Structure.
- 3.2 Whilst there have been amendments to all of the parts, many are minor drafting changes (to reflect new job titles etc); the more significant changes are summarised below:

Part 1 Summary and Explanation

Includes a diagrammatic structure of the Council so people can view at a glance the main decision making meetings.

Part 2 Articles

Article 2 now contains a summary table of ward members.

Articles contain graphics summarising the main functions of committees etc.

Article 6 Overview and Scrutiny Committees – now contains reference to the Strategic Overview and Scrutiny Committee and 'other scrutiny committees' to give flexibility as to the number of committees appointed in the future, should the Council chose to change the current arrangements.

Article 7 the Cabinet – incorporates the strong leader provisions so that the Leader appoints the Cabinet not full Council (as already happens but was not reflected in the Constitution).

Article 10 The Audit and Member Standards Committee – provides for two sub-committees to deal with Code of Conduction Reviews and Hearings (to better deal with potential conflicts).

Article 11 Joint Arrangements – incorporates the Joint Waste Board.

Part 3 Responsibility for Functions

This is the part with the most significant changes to how it looks but does not extend the current scheme of delegation; it merely makes it easier to follow.

Although the format is different from the existing, the new Part 3 reflects existing delegations. The delegations detailed to officers are on a risk-based approach with those areas more likely to be challenged (e.g. planning and regulatory) having greater detail than other areas. The scheme allows any delegated function to be exercised by a more senior officer within the structure (subject to qualifications, statutory requirements etc) or be referred back to Council/Cabinet.

Part 4 Rules of Procedure

Section 1 Standing Orders for Meeting – New urgent action provision added in (Rule 26) and new provision around giving reasons at Planning Committee (Rule 33).

Section 2 Access to Information Rules – Change to Key Decision limit to £75,000 (this change is reflected throughout the Constitution). New protocol on Filming, Videoing, Photography and Audio Recording at council meetings (Appendix A) replaces the current version of the protocol and brings it formally into the constitution.

Section 6 Financial Procedure Rules – No significant changes.

Section 7 Contract Procedure Rules – Changed to reflect higher key decision level of £75,000. Changed to incorporate EU procurement rule changes in the Public Contracts Regulations 2015.

Part 5 Codes and Protocols – Incorporates Councillor and Employee Codes of Conduct plus Protocol on Councillor/Employee Relations.

Part 6 Councillors Remuneration Scheme – Simplified and reduced.

Part 7 Governance Structure - Summary of the Cabinet and Leadership Team memberships and detailing the Statutory Officers.

Alternative Options	1. Not to revise or update the Constitution. To not do so would leave the District Council exposed to legal challenge
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Consultation	1. Member Task Group, Strategic O&S Committee, Officers – we should say here that the changes were agreed
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Financial Implications	1. None ; whilst the revision increases the key decision limit to £75,000 there are no implications for the changes themselves.
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Contribution to the Delivery of the Strategic Plan	1. Proposals will assist with compliance with the legal requirements and thus the Council's ability to deliver the services required and Fit for the Future.
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Equality, Diversity and Human Rights Implications	1. None
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Crime & Safety Issues	1. None
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GDPR/Privacy Impact Assessment	1. Yes
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Risk Description	How We Manage It	Severity of Risk (RYG)
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A			State if risk is Red (severe), Yellow (material) or Green (tolerable) as determined by the Likelihood and Impact Assessment.
B	Legal challenge as constitution is not up to date	Update Constitution	Green
C			
D			
E			

Background documents

Current and revised draft Constitution

Relevant web links