

AMENDMENTS TO THE CONSTITUTION

Report of the Cabinet Member for Legal & Regulatory Services

Date: 21st May 2019

Officer Title: Agenda Item 13

Officer Title: Christie Tims – Head of Corporate Services and Interim Monitoring Officer

Local Ward Members: N/A



Council

1. Executive Summary

- 1.1 The Lichfield District Council Constitution sets out the rules and procedures necessary for the Council to carry out its functions effectively.
- 1.2 The Constitution is reviewed regularly and is updated to reflect decisions made by the Council and where appropriate relevant committees, subject to our scheme of delegation, changes to legislation and recommendations from the Independent Remuneration Panel (IRP). It is also reviewed at the start of each Council term to ensure all of the governance structures are up to date.

2. Recommendations

- 2.1 To approve the amendments to Lichfield District Council's Constitution.

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 The amendments necessary in light of the new term and other changes are:
 - Part 4 Rules of Procedure - Section 9** - To reinsert the Recommended Periods for the Retention of Documents. This was omitted from the review carried out in 2018.
 - Part 6 Councillors Remuneration Scheme** – Which has been updated to reflect the increase to allowances in line with national settlements as advised by the Independent Remuneration Panel (IRP) and changes to pension regulations as they apply to members. **(Appendix A)**
 - Part 7 Governance Structure** - which has been updated to reflect the new cabinet portfolios. **(Appendix B)**

Alternative Options	Not to update the Constitution in line with changes. To not do so would leave the District Council exposed to legal challenge.
Consultation	All changes are agreed by the relevant committee and ratified in full Council or necessary to keep in line with prevailing legislation. Changes to the structure of the Council as a result of a change in Council Leader and number of portfolios for Cabinet must also be reflected.
Financial Implications	None; there are no implications for the changes themselves. The increase in member allowances is within the projected budget included in the MTF5.

Contribution to the Delivery of the Strategic Plan	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	None
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Crime & Safety Issues	None
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GDPR/Privacy Impact Assessment	Yes – all data collected and collated in the preparation and operation of the constitution has been impact assessed with the appropriate controls in place.
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Risk Description	How We Manage It	Severity of Risk (RYG)
		State if risk is Red (severe), Yellow (material) or Green (tolerable) as determined by the Likelihood and Impact Assessment.
Legal challenge as constitution is not up to date	Update Constitution	Green

Background documents Current and revised draft Constitution
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Relevant web links https://democracy.lichfielddc.gov.uk/ieListDocuments.aspx?Cid=190&Mid=304&Ver=4&info=1

PART 6

MEMBERS' REMUNERATION SCHEME

LICHFIELD DISTRICT COUNCIL

THE LOCAL AUTHORITIES (MEMBERS' ALLOWANCES) (ENGLAND) REGULATIONS 2003

THE LOCAL AUTHORITIES (MEMBERS' ALLOWANCES) (ENGLAND) (AMENDMENT)
REGULATIONS 2003

MEMBERS' ALLOWANCES SCHEME

1. The following allowances are payable to members of Lichfield District Council ("the Council") (and if applicable any non-Member), from 1st April 2019 to 31st March 2020, and each year thereafter unless amended or revoked, namely,

- an annual basic allowance of £4,214 payable monthly to all members of the Council;
- an annual special responsibility allowance payable monthly to those members (and if applicable any non-member) who hold the following office under the Council at the rates indicated against each office and additional to the basic allowance:

Leader of the Council	£12,641
Deputy Leader	£7,585
Cabinet Members	£6,952
Leader of the Principal Minority Group	£2,885
Deputy Leader of the Principal Minority Group	£721
Chairman of the Planning Committee	£6,320
Vice Chairman of the Planning Committee	£1,589
Chairman of the Overview and Scrutiny Committees	£2,529
Vice Chairman of the Overview and Scrutiny Committees	£632
Chairman of the Audit and Member Standards Committee	£1,589
Vice Chairman of the Audit and Members Standards Committee	£632
Chairman of the Regulatory and Licensing Committee	£2,529
Vice Chairman of the Regulatory and Licensing Committee	£632
Chairman of the Employment Committee	£1,589
Vice Chairman of the Employment Committee	£632
Chairman of the Council	£2,885
Vice Chairman of the Council	£721
Chairman of the Parish Forum	£52 per meeting

on the basis that only one special responsibility allowance will be paid to a member in addition to the basic allowance;

- travel and subsistence allowances in accordance with the Council's scheme for the time being relating to the same (including, for the avoidance of doubt,

parking charges), for officers with the Council Offices, Lichfield, being regarded as the normal place of work for the purposes of that scheme and payable in respect of all duties falling within the categories specified in regulation 8 of the Local Authorities (Members' Allowances) (England) Regulations 2003.

- an annual civic duties expenses allowance to the Chairman of the Council of up to £3,000; and
 - an annual civic duties expenses allowance to the Vice-Chairman of the Council of up to £1,500.
2. Where a term of office of any person covered by this scheme begins or ends otherwise than at the beginning or end of a year, the entitlement shall be to payment of such part of the allowance as bears to the whole the same proportion as the number of days during which the term of office as member subsists bears to the number of days in that year.
3. Where payment of any allowance has already been made in respect of any period during which any person covered by this scheme is concerned is:
- 3.1 ceases to be a member of the Council; or
 - 3.2 is in any other way not entitled to receive the allowance in respect of that period,
- the Council may require that such part of the allowance as relates to any such period be repaid to the Council.
4. The meetings that count against a member's attendance record are those which are used by the Council in its publication of Members' attendance summary on its website plus all scheduled Planning and Safeguarding Member training sessions for each municipal year.

If a member has a valid reason for missing a meeting, such as illness, paternity/maternity leave or other calamitous life events, then an exemption should be provided for, by the determination of the Monitoring Officer.

5. Councillors shall be reimbursed, up to a specified maximum limit, for costs actually incurred in providing care for any of the following who are at the time part of the claimant's household living with him/her and who would normally be looked after by him/her, whilst the claimant is undertaking an approved duty in accordance with the Council's scheme:

Childcare: capped at the national living wage
Other care: capped at the hourly wage charged by Staffordshire County Council Social Services for a Carer.

In addition to living as part of the claimant's household the dependent must be unable to be left unsupervised by the carer. The carer must not be someone who also ordinarily lives with the claimant as part of the household.

The claimant must produce a receipt for payments he/she has made to the carer, and must sign a certificate which, amongst other things, will state that the costs were properly and necessarily incurred in the course of, or to permit him/her to undertake his/her duties as a Councillor.

4. Where a member of the Council is also a member of another authority, that member may not receive allowances from more than one authority in respect of the same duties.
5. Any person covered by this scheme may, by notice in writing given to the Chief Executive, elect to forego the entitlement or any part of the entitlement to allowances.
6. Any person covered by this scheme shall supply on a monthly basis, any claim for travelling and/or subsistence allowances to which they have become entitled during the previous month and details of any other expenses incurred in the performance of their duties as a councillor and for which they have not been reimbursed.
7. Claims for travelling and subsistence allowances must be made within two months of the end of the month in which they arose failing which the Chief Finance Officer shall refuse to pay them.
8. As soon as reasonably practicable the Monitoring Officer shall ensure that the provisions relating to the publicity required for this scheme and for the report of the Independent Remuneration Panel are met.

PART 7

GOVERNANCE STRUCTURE

GOVERNANCE STRUCTURE

The Cabinet

Leader of the Council
Deputy Leader of the Council/Cabinet Member for Investment, Economic Growth & Tourism
Cabinet Member for Finance and Procurement
Cabinet Member for Recycling & Leisure
Cabinet Member for Communities & Housing
Cabinet Member for Customer Services & Innovation
Cabinet Member for Legal & Regulatory

The Leadership Team

Chief Executive
Director of Place & Community
Director of Transformation & Resources
Assistant Chief Executive
Head of Development Services
Head of Leisure & Operational Services
Head of Economic Growth
Head of Regulatory Services, Housing & Wellbeing
Head of Legal, Property and Democratic Services
Head of Corporate Services
Head of Customer Services, Revenues and Benefits
Head of Finance & Procurement

Statutory Officers

Head of Paid Service, Electoral Registration Officer and Returning Officer
- The Chief Executive

Chief Finance Officer for the purpose of Section 151 of the Local Government Act, 1972 –
Head of Finance and Procurement

Monitoring Officer for the purposes of Section 5 of the Local Government and Housing Act, 1989 – Head of Legal, Property & Democratic Services