

DECISION-MAKER: GOVERNANCE COMMITTEE
COUNCIL

SUBJECT: ANNUAL REVIEW OF THE CONSTITUTION

DATE OF DECISION: 27 APRIL 2015 (GOVERNANCE COMMITTEE)
20 MAY 2015 (COUNCIL)

REPORT OF: HEAD OF LEGAL AND DEMOCRATIC SERVICES

STATEMENT OF CONFIDENTIALITY

None

BRIEF SUMMARY

This report sets out the annual review of the Constitution. This will be considered and discussed by Governance Committee on 27th April 2015. The recommendations to both the Governance Committee and Council are included below.

RECOMMENDATIONS:

Governance Committee

- (i) To consider and recommend the changes to the Constitution to Council for adoption

Council

- (i) to agree the changes to the Constitution and associated support arrangements as set out in this report;
- (ii) to authorise the Head of Legal and Democratic Services to finalise the arrangements as approved by Full Council and make any further consequential or minor changes arising from the decision of Full Council;
- (iii) to approve the City Council's Constitution, as amended, including the Officer Scheme of Delegation for the municipal year 2015/16;
- (iv) to delegate to the Head of Strategic HR the operational requirements to comply with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 as referred to in the revised Officer Employment Procedure Rules
- (v) To delegate authority to the Head of Legal & Democratic Services, following consultation with the Director, Place and Cabinet Member for Environment & Transport, to determine a revised local threshold for parking petitions and amend the Council Petition Scheme accordingly.

REASONS FOR REPORT RECOMMENDATIONS

1. It is appropriate as a core tenet of good governance for the Council to keep its Constitution under regular review and to amend it, both to reflect experience and changing circumstances.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

2. The Council has previously resolved to review its Constitution annually. Therefore, it is appropriate that this report is considered by Members. There are a range of recommendations set out within the report, none of which are substantial changes. Members have a range of options about various changes not least of which is to reject some or all of them.

DETAIL (Including consultation carried out)

3. This report will be initially considered by Governance Committee on 27th April 2015. Any additional recommendations will be updated by the Chair of the Governance Committee at Council.
4. The Constitution of the Council describes the way in which the Council conducts its business; it is required by law. It contains not only the Articles of the Constitution, but also the various rules and procedures for decision-making, access to information, Overview and Scrutiny, the Codes of Conduct, the Officer / Member Protocol, as well as other specific rules relating to contracts and finance.
5. The Constitution forms the cornerstone of effective corporate governance. Whilst Southampton City Council's constitutional arrangements continue to be recognised as being of a high standard, Full Council agreed that it would on an annual basis robustly review the Constitution and its operation. The purpose of this report is to bring forward proposed changes to the Constitution as detailed below, these having been considered by Governance Committee with a view to build upon the constitutional arrangements for the Council. The main thrust is to try to streamline procedures where possible, remove the need for some matters to come to Cabinet or Council for decision where they do so only on financial grounds and where possible avoid bureaucracy.

Revisions to committee arrangements

6. In last year's report reference was made to possible changes to the Employment and Appeals Panel. This work remains ongoing but remains as a matter "in progress" due to the negotiations as part of the revised Pay and Allowances project. There remains a strong case for a review of the Panel. It is not a lawful requirement although some functions will still be required but the Chief Officer Employment Panel and the Employment and Appeals Panel should be reviewed to ensure they are effective and efficient in their operation.
7. However, this can only proceed at the conclusion of the Council's current negotiations on terms and conditions and is currently being discussed with union colleagues. A further report will be brought to Council in due course.

Planning And Rights of Way Panel

8. Last year the Panel was moved to an evening slot and business split so matters were broadly dealt with on an east and west basis and fortnightly. Whilst the trial has worked well the doubling of meetings has put an enormous strain on officers in supporting the new timetable and accordingly it is proposed to revise the timetable to a three weekly cycle. It is not believed that this will impact on decision making timescales.

Licensing Committee

9. Traditionally the Licensing Committee and sub committees determining applications and hearing reviews have met in the day time, usually at 9.30am. This has caused issues with the availability of members and accordingly it is proposed to move most meetings to 6:00 pm. Some contentious meetings can be day-long and it will, therefore, still be necessary to have day time meetings, on a case by case basis. This will have an impact on day time availability of officers who support the function, ie Legal Services, Democratic Services and Licensing as such evening work will become part of their core job. The new arrangements will be reviewed after six months.

Health and Well-Being Board and Health

10. It has been suggested that there is some duplication of work undertaken by the Health Overview and Scrutiny Panel and the Health and Well-Being Board and therefore a review should be undertaken to clarify the relationship between the Health & Wellbeing Board and other Council committees, partnerships and boards including those that are required by statute or other legal powers (e.g. OSMC, s175 board for the Better Care Fund, Local Safeguarding Adults Board, Local Children's Safeguarding Board) together with any implications for the exercise of the Council's scrutiny functions in respect of health. It is anticipated that the review would be completed in six months and a further report would be made to Council and or Cabinet as appropriate
11. In the interim, the Clinical Commissioning Group has issued guidance for the 2015/16 Quality Premiums which requires decisions to be made by the Health and Well-Being Board. In order to deal with these decisions quickly it is suggested that the Terms of Reference be amended to make a delegation to either the Director, People or Director of Public Health to state:

In cases where Health and Wellbeing Board authorisation is required, but there is no scheduled Board meeting prior to the required deadline, authority to sign off on behalf of the Health and Wellbeing Board, following consultation with the Chair and Vice-Chair.

Financial Procedure Rules

12. The Financial Procedure Rules have been updated to reflect the new Medium Term Financial Strategy and Capital Strategy adopted by Council
13. Again, copies of the FPRs have not been printed due to their size but are available online.

Officer Employment Procedure Rules

14. The Government has very recently introduced revised secondary legislation to remove the statutory protections afforded to the Head of Paid Service, Monitoring Officer and Chief Financial Officer. The revised Standing Order Regulations come into force on 11th May 2015. The disciplinary process is now localised and it removes the need for a Designated Independent Person (DIP) to investigate issues before decision by Full Council. However, there is a new requirement to seek the views, advice and recommendations of an independent panel including the DIP appointed in relation to member conduct matters before any decision is made. The Officer Employment Procedure Rules have been revised to reflect the new statutory requirements.

Council Petition Scheme

15. Revised guidance on the steps necessary to comply with the Traffic Management duty in accordance with the Traffic Management Act 2004 has been issued in relation to the operation of petition schemes as they relate to parking schemes. The Council is satisfied that the current Petition Scheme is compliant and fit for purpose in relation to the revised guidance but would merit inclusion of a revised 'local' threshold for petitions specifically relating to parking schemes affecting specific roads or neighbourhoods (as opposed to City wide proposals). Further work is required to establish the most appropriate local threshold to include in the scheme (for example as a percentage of residents or business located in the directly affected area) and it is therefore

proposed to delegate authority to the Head of Legal & Democratic Services, following consultation with the Director, Place and Cabinet Member for Environment & Transport, to determine a revised local threshold for parking petitions and implement accordingly.

RESOURCE IMPLICATIONS

16. None

Property/Other

17. None.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

18. The Executive Arrangements and Constitution are required under the Local Government Act 2000 (as amended) and the Localism Act 2011.

Other Legal Implications:

19. None.

POLICY FRAMEWORK IMPLICATIONS

20. None.

AUTHOR:	Name:	Richard Ivory	Tel:	023 8083 2794
	E-mail:	Richard.ivory@southampton.gov.uk		

KEY DECISION? Yes/No n/a

WARDS/COMMUNITIES AFFECTED:	None
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SUPPORTING DOCUMENTATION

Non-confidential appendices are in the Members' Rooms and can be accessed on-line

Appendices

Note: the appendices to the report are listed below are available online and a hard copy will be available in Members rooms

1.	Part 2 - Articles
2.	Part 3 – Responsibility for Functions
3.	Part 4 – Council Procedure Rules
4.	Part 4 – Access to Information Procedure Rules
5.	Part 4 – Financial Procedure Rules
6.	Part 4 – Officer Employment Procedure Rules
7.	Part 5 – Monitoring Officer Protocol
8.	Part 8 - Proper Officers
9.	Part 9 - Definitions
10.	Part 10 – Officer Scheme of Delegation
11.	Part 11 – Petition Scheme

Documents In Members' Rooms

Revised Officer Scheme of Delegation

Revised Financial Procedure Rules

Integrated Impact Assessment

Do the implications/subject of the report require an Integrated Impact Assessment (IIA) to be carried out.	No
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Other Background Documents

Integrated Impact Assessment and Other Background documents available for inspection at:

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	None.	
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