

CONSTITUTION FOCUS GROUP

15 April 2014

REVIEW OF PART 3 OF THE CONSTITUTION – RESPONSIBILITY FOR FUNCTIONS

Purpose

1. The purpose of this report is to ask the Constitution Focus Group to consider an updated version of Part 3 of the Constitution, as shown in Appendix 1. A tracked version is also shown in Appendix 2.

Background

2. Part 3 of the Constitution deals with Responsibility for Functions. This includes setting out the functions of Council, Committees and Cabinet, as well as the Delegation of Executive Functions, Scheme of Delegation to Officers and Scheme of Sub-Delegation.
3. The Constitution Focus Group reviewed Sections A, B and C of Part 3 at the meeting on 19 March 2014. We have now also reviewed the Scheme of Delegation to Officers in Section D.
4. The majority of the changes which have been made are intended to make this Part clearer and easier to follow.
5. Some updates have been required to take account of the following new legislation:
 - a. Local Authorities (Executive Arrangements)(Meetings and Access to Information) (England) Regulations 2012
 - b. Police Reform and Social Responsibility Act 2011
 - c. Health and Social Care Act 2012
6. The changes which have been made to Part 3 are summarised in paragraph 7 below. These changes do not make any material changes to existing powers but seek to ensure that the powers that are granted under the constitution are exercised properly.

Main Issues for Consideration

7. The changes which have been made to Part 3 are shown in tracked changes (the different colours do not have any relevance):

- a. **Part 3 Section A:**

- Since the last Focus Group meeting, two new principles have been added. Paragraph 6 has been inserted to provide clarity to officers on the role of the financial controls in the Council's Financial Management System in the Scheme

of Delegation. Paragraph 11 has been moved from the current Part 3B of the constitution.

b. Part 3 Section C:

Since the last Focus Group meeting, paragraph 1.3 in Appendix 1 has been updated to provide clarity in respect of the concurrent officer scheme of delegation relating to the disposal and acquisition of real property.

c. Part 3 Section D:

A new contents and introduction have been inserted for ease of use.

d. Part 3 Section D1

The previous Part 3B Schedule 1, which listed Directors' Areas of Responsibility has been deleted. This will now be included as part of a separate register, which is required under statute.

This section has also been updated to reflect the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

e. Part 3 Section D2

This Section has been separated from the previous section to distinguish between the Scheme of Delegation to Directors and the Scheme of Sub-Delegation of Officers in their areas of responsibility. This clarification should make it easier to ensure that decisions are properly authorised and the risk of a successful challenge is avoided. We have included reference to the register, which the council is required to maintain under the Local Government Act 1992 and make available to members of the public.

f. Part 3 Section D3

An additional provision has been added to paragraph 1 to clarify that the Associate Director Economic Development and Planning Services is responsible for determining whether an application falls within the remit of Strategic Planning Committee or the relevant area planning committee.

Recommendations

8. Members of the Focus Group are asked to:

- a. consider the proposed changes to Part 3 as shown in Appendix 1 and 2 and make recommendations to the standards committee as appropriate.