

Gloucester City Council

Meeting:	Council	Date:	23 May 2016
Subject:	Adoption of the Constitution for 2016-17		
Report Of:	Head of Paid Service		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
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Appendices:	1. Revised Part 3 :Responsibility for Functions		
	2. Revised Contract Rules Part 4: Rules of Procedure		

FOR GENERAL RELEASE

Note: The special circumstances for non-compliance with Access to Information Rule 5 and Section 100B (4) of the Local Government Act 1972 (as amended) (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were that it was necessary to allow time for discussions to take place following the outcome of local elections on 5 May 2016.

1.0 Purpose of Report

1.1 To approve changes to and adopt the Council's Constitution for the municipal year 2016-17.

2.0 Recommendations

Council is asked to **RESOLVE** that

- (1) The changes highlighted in this report and shown in the appendices be approved and the revised Constitution be adopted with immediate effect.
- (2) Authority be delegated to the Managing Director to make minor and consequential amendments to the Constitution to implement the changes set out in this report in consultation with Group Leaders.
- (3) As part of the next review, the Members' Allowances Panel be asked to consider amending the 2016-17 Scheme of Allowances to include a Special Responsibility Allowance (SRA) for the Chair of the General Purposes Committee and, should an SRA be recommended and subsequently approved by Council, that it be backdated to 23 May 2016.

3.0 Background and Key Issues

- 3.1 The Constitution sets out how the City Council operates, how decisions are made and the procedures that are followed to ensure that these are efficient, transparent and accountable to local people.
- 3.2 The Council's Constitution was extensively reviewed in 2009 and amendments to that Constitution have been approved annually since then.
- 3.3 It is good practice to review the Council's Constitution on an annual basis at least. It is also important to review how the Constitution has functioned and supported the work of the Council.
- 3.4 This report highlights the proposed amendments, which can be divided into three general categories:
1. Minor amendments to reflect organisational changes. These do not require full Council approval, but are included for information.
 2. Amendments proposed to streamline the Constitution, removing sections that are superfluous or duplicated in more than one place.
 3. Amendments proposed to realign decision-making structures, ensuring that they meet the needs of the Council.

PART 1 – SUMMARY AND EXPLANATION

- 3.5 Amendments to reflect the changes to Council size as agreed through the Local Government Boundary Commission for England's electoral boundary review of Gloucester City and the move to all out elections from May 2016.

PART 2 – THE ARTICLES

Article 4 – The Full Council

- 3.6 Revisions to the Policy Framework to correct a historical mistake and ensure that the list of policies for approval by Council is focused, up to date and complies with legislation.
- 3.7 Deletion of the reference to Housing Land Transfers in light of the transfer of the Council's housing stock to Gloucester City Homes in March 2015.

Article 7 – Leader and Cabinet

- 3.8 Amendments to the Transitional Arrangements to reflect the move to all out elections and to clarify that the Mayor continues in office until the Annual Council meeting following elections.

Article 8 – Regulatory and Other Committees

- 3.9 See changes to committees set out below.

Article 9 – Area Committees and Forums

- 3.10 Provisions streamlined to reflect the fact that the Council does not currently have any area committees or forums. Should this change in the future, more detailed provisions would again be required.

Article 11 – Officers

- 3.11 Deletion of unnecessary level of detail, which is captured in other parts of the Constitution.

Article 12 – Decision-making

- 3.12 It is recommended that a definition be added for Significant Decisions which 'mirrors' the definition for 'Key Decisions' which apply to Executive Functions.

A Significant Decision means any decision in exercise of a non-Executive Function which:-

- requires a budget expenditure or budget saving in excess of £100,000 ; or
- is likely to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the City

Article 14 – Review and Revision of the Constitution

- 3.13 See changes to committee set out below.

PART 3 – RESPONSIBILITY FOR FUNCTIONS

Introduction

- 3.14 This Part of the Constitution has been rewritten in order to update, and generally modernise, this section of the Constitution. .

Meetings of the City Council

- 3.15 The Council's decision-making structures have not been reviewed for some time and there is a proliferation of working groups and other bodies that have little or no decision-making power, or are transient in nature, as well as committees that deal with limited business. It is proposed to redesign some of the structures with a view to improving the effectiveness, accountability and transparency of the decision-making process and ensuring the efficient discharge of the Council's business. These also need to better reflect that Gloucester City Council has chosen an executive form of administration, and the respective responsibilities of Councillors and the Head of Paid Service regarding officer appointments.
- 3.16 **Organisational Development Committee (ODC)** – aside from restructures, this committee has limited business. Staff structures are a matter for the Head of Paid Service to determine, in consultation with the relevant Cabinet Member, therefore it is proposed that this committee be dissolved and the remaining functions be divided between a new General Purposes Committee and a new Senior Appointments Committee – see below.

- 3.17 **Constitutional and Electoral Working Group (CEWG)** – this working group is consultative; it receives reports for information or makes recommendations to Council, largely on constitutional and electoral matters. It is proposed that these functions be delegated to a new General Purposes Committee as these are non-executive matters to which the Working Group will report.
- 3.18 **ICT Working Group** – this working group is consultative and in recent years has largely received verbal updates only. The purpose of this working group is to provide an opportunity to discuss Members’ use of ICT; however, the nature of the business at meetings indicates that the need for this has diminished. It is proposed that the ICT Working Group be formally dissolved. Should there be a need to discuss Members’ ICT matters, a meeting will be called, with Group Leaders invited to nominate representatives to attend.
- 3.19 **Employee Forum (EF)** – this forum is purely consultative and provides an opportunity for Members to meet with Trade Union representatives to discuss generic staffing matters. Reports are generally received for information purposes or for recommendations to be passed to decision-makers. There is no legal requirement for this forum, nor is it common place in other councils, and TU representatives have the opportunity to discuss concerns with employers via separate mechanisms. Therefore it is proposed that the Employee Forum be dissolved and the Trade Union consultation undertaken has confirmed that there is no opposition to this proposal.
- 3.20 **General Purposes Committee** - it is proposed that this committee be set up to deal with all non-executive matters that do not come within the remit of any other committee. It would comprise 7 Members (politically proportionate) with a quorum of 3 Members. Meeting in public to ensure transparency, the committee would take on constitutional and electoral functions and the functions of the Organisational Development Committee in respect of relevant staff matters. For details of the proposed Functions of this Committee see Appendix 1.
- 3.21 **Senior Appointments Committee** – it is proposed that a new ad-hoc committee be set up specifically to deal with matters relating to the appointment of the Council’s Senior Officers and would extend only to the posts of Managing Director and Corporate Directors. The committee would also deal with any disciplinary matters or grievances raised in respect of the Council’s Statutory Officers. This would provide an effective mechanism for discharging these functions, which only arise on an ad-hoc basis, and mirrors the approach at many other local authorities. The Committee would comprise 5 Members (politically proportionate) with a quorum of 3 Members. It is further proposed that a new ad-hoc Appeals Committee be set up to consider any appeals against any decisions of the Senior Appointments Committee’s. For details of the proposed Functions of these Committees see Appendix 1.
- 3.22 **Grants and Community Services Forum (GCSF)** – this is an advisory forum that can make recommendations to Cabinet or officers, meeting only twice a year. Over recent years it has become more of a discussion forum, and the relevance of the body in its current form has organically become the most significant topic of conversation at recent meetings. The membership has spent considerable time reviewing its purpose and impact and has ultimately concluded that an alternative structure sitting outside of the Council’s formally constituted bodies is the preferred

approach for enabling worthwhile dialogue between the Council and the Voluntary and Community Sector (VCS). A Memorandum of Understanding has been developed in partnership with the VCS setting out a more informal structure with meetings taking place in community buildings. It is therefore proposed that the GCSF be dissolved; however, mechanisms will remain in place to ensure that the VCS are consulted on the budget, similarly to the business community and other key stakeholders.

PART 4 – RULES OF PROCEDURE

Council Procedure Rules

- 3.23 Rule 1.01 Timing and Business of Annual Council Meeting – amended to reflect the move to all out elections and that the Leader of the Council's term will be for four years (unless removed or stands down).
- 3.24 Rule 2.02 Ordinary Meetings Order of Business – amended to remove the requirement for declarations of interest by Officers and to give clarity to the rules around public questions as previously agreed by CEWG.

Contract Rules

- 3.25 It was necessary to revise the current Contract Standing Orders in order to reflect changes in legislation and this gave officers an opportunity to simplify the procedural requirements for procuring goods/services and in respect of land transactions. The revised Rules will be accompanied by a procurement toolkit comprising templates and precedents and training will be offered to officers by the Procurement Adviser and One Legal. The revised Contract Rules can be found at Appendix 2.

Overview and Scrutiny Procedure Rules

- 3.26 Rule 15 Call-in and Urgency – amended to correct a historical anomaly whereby the Mayor was required to rule on urgency and the non-application of the call-in procedure. It is proposed that the Chair of the Overview and Scrutiny Committee takes on this role, mirroring the General Exception and Special Urgency rules in respect of Key Decisions.

Officer Employment Procedure Rules

- 3.27 Appointment of Head of Paid Service and Appointment of Chief Officer and Statutory Officers – amended to reflect the proposed creation of a Senior Appointments Committee.

PART 6 – MEMBERS' SCHEME OF ALLOWANCES

- 3.28 Various amendments to reflect changes to the list of Outside Bodies and a new certification on the mileage claims form relating to insurance cover.
- 3.29 A minor adjustment to the Members' Allowance Scheme has been recommended to Council in the sum of £2,800 as a special allowance for the Chair of the new General Purposes Committee which is equivalent to the special allowance for the

Chair of Audit and Governance Committee. It is further recommended that an early wider review be undertaken of the Members' Allowance Scheme.

PARTS 7 and 8 – OTHER USEFUL INFORMATION

3.31 These Parts have been merged.

3.30 Ward Map – replace with map showing new ward boundaries

3.31 Contact List – amendments to reflect organisational changes.

4.0 Asset Based Community Development (ABCD) Considerations

4.1 The content of the Constitution is a matter for the Council.

5.0 Alternative Options Considered

5.1 The Council could choose not to review the Constitution, however, this is not recommended as it is important that the Constitution is up to date and reflects the needs of the Council.

6.0 Reasons for Recommendations

6.1 The amendments are proposed in order to:

1. Reflect organisational changes.
2. Streamline the Constitution, removing sections that are superfluous or duplicated in more than one place.
3. Realign decision-making structures, ensuring that they meet the needs of the Council.

7.0 Future Work and Conclusions

7.1 If approved, the revised Constitution will come into effect immediately.

7.2 If changes to the decision-making structures are approved, the relevant political balance calculation and associated appointments schedule will be the version with the revised committees included. The Programme of Meetings will also need to be revised; wherever possible, this will be done using existing dates approved by Council in January 2016.

7.3 Proposals for amendments to other parts of the Constitution will come forward in 2016/17.

8.0 Financial Implications

8.1 There are no direct financial implications.

(Financial Services have been consulted in the preparation this report.)

9.0 Legal Implications

9.1 As set out in the report.

(One Legal have been consulted in the preparation this report.)

10.0 Risk & Opportunity Management Implications

10.1 If the Constitution is not reviewed on a regular basis there is a risk that it will be outdated and no longer meet the needs of the Council or reflect the custom and practice.

11.0 People Impact Assessment (PIA):

11.1 The PIA Screening Stage was completed and did not identify any potential or actual negative impact, therefore a full PIA was not required.

12.0 Other Corporate Implications

Community Safety

12.1 There are no community safety implications.

Sustainability

12.2 There are no sustainability implications.

Staffing & Trade Union

12.3 There are no staffing implications.

Background Documents: None