

## **BRIEFING NOTE**

### **UPDATE TO THE COUNCIL'S CONSTITUTION**

### **REPORT OF ASSISTANT DIRECTOR: GOVERNANCE, PROCUREMENT AND COMMISSIONING**

**LEAD CABINET MEMBER – CLLR LEE CARTER**

### **BACKGROUND AND PURPOSE**

The proposed Constitution's purpose is to set out everything anyone who has dealings with the local authority would need to know about how the local authority conducts its business, who takes which decisions and how to work with the local authority.

The aim is to make the Constitution more accessible and easier to follow, particularly when viewed electronically. The format allows for future revisions to improve upon electronic accessibility further by increasing use of links and other navigation tools.

### **MEMBER ENGAGEMENT**

Member briefing sessions are taking place over the next couple of weeks prior to seeking approval at Council on 14 July.

Drop-in sessions have been organised as follows:-

Thursday, 30 June 2016 – 1.30pm to 3.00pm in Room G1, Addenbrooke House

Thursday, 30 June 2016 – 5.00pm to 6.30pm in Room G3/G4, Addenbrooke House

Wednesday, 6 July 2016 – 9.00am to 10.30am in Room G3, Addenbrooke House

### **FORMAT AND PRESENTATION**

The updated Constitution is presented in three parts:-

1. **How does the Council work** – some background information and an explanation of how to navigate your way around the document and explains where to find the more specific rules
2. **Decision-making** – details who makes decisions, what decisions they can make and how they make them including in respect of the management of Council business, the Cabinet and officers, and the role of the administrative committees such as planning and licensing committees.
3. **Governance, Scrutiny, Oversight and Transparency** – details the role of scrutiny and the governance committees and the high level rules that govern how we operate including legal, procurement and financial regulations. It also summarises our relationship with the citizen, particularly in respect of transparency and access to information.

## **Decision-making**

### **The full Council...**

is responsible for setting the budget and policy framework of the Council. The budget is, of course the budget, set in March each year, the policy framework is made up of the key strategic documents that frame the priorities of the organisation and includes the local plan/ planning framework, Council Plan and Community Strategy

The Council also has some ceremonial functions (freedom of the Borough etc) and approving the member decision making (or committee) system. It also retains certain specific functions regarding allowances, pay policy, allowances and recruitment and dismissal of certain officers

### **Strong leader/ Cabinet**

As delegated by the Leader, the Cabinet take operational decisions within the budget and policy framework

Other committees/decision-makers include the Boundary Review Committee, Health & Well-Being Board, Licensing Committee, Planning Committee and, of course, officers.

### **The delegation scheme**

The written record of delegations. General delegation is set at Assistant Director level.

### **Principles of decision-making**

Key principles to be considered, and which must be addressed when writing reports for Committees are as follows:-

- consideration of all options available;
- having regard to due consultation;
- consideration of professional advice from officers;
- clarity of aims and desired outcomes;
- the action proposed must be proportionate to the desired outcome;
- having respect and regard for human rights;
- presumption for openness, transparency and accountability;
- only relevant matters taken into account;
- due weight to all material considerations (including opportunities and risks);
- proper procedures will be followed
- the Council's co-operative values.

### **Key decisions**

Those decisions which are likely to

- result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates, specifically decisions which are of a value in excess of £500,000; or

- be significant in terms of its effects on communities living or working in an area comprising two or more wards in the Council's area.

It is a statutory requirement that advance notice of these decisions (at least 28 days) must be given although this can be waived in exceptional circumstances. These are generally taken by Cabinet.

**Urgent decisions** – there are processes in place to enable these to take place depending on the type of decision

### **Procedure rules**

These govern the way that meetings are managed. Key changes from the existing rules are:-

- The questions process – amalgamated into 1 agenda item – for both members and the public.
- Members – general questions and questions on cabinet decisions made since the last Council meeting – notice is required and time is slightly more limited (30 mins for both Cabinet and general questions)
- Public questions – notice is still required
- Budget approval process – detailed in the Leader & Cabinet Rules
- There are generic committee procedure rules

## **Governance**

Oversight committees including **Appeals, Audit, Council Constitution, Personnel, Standards and Scrutiny Committees** to provide oversight and review of decisions made by Council using the powers identified in the “Decision-making” section of the Constitution.

To confirm, the role of Members in the Appeals process has not been changed.

### **Scrutiny – Scrutiny Assembly and Scrutiny Management Board with 4 scrutiny committees.**

Assists in policy development before the event and review after the event - either by way of call-in or just a review of decision-making once the decision has been made and implemented. There is a statutory Scrutiny Officer role to support the scrutiny process. A lot of the detailed scrutiny provisions are contained in the Scrutiny Handbook which does not form part of the Constitution and is available on the internet.

Key roles – involvement in the Future Fit review of the re-configuration of health services as a statutory consultee (the Joint Health Overview & Scrutiny Committee – with Shropshire Council) and its role as a consultee during the budget consultation process.

**Call-in** – the ability of members (5) to call in a decision made before it can be implemented. It is relatively easy to do and needs to be considered when planning the reporting and implementation timetable for the most contentious of decisions.

Work plan – planned, co-ordinated and managed by the Scrutiny Management Board – there are different types of meetings – formal/ informal meetings and sub-groups and integrated working.

## Members

**Standards regime** – includes the **Code of Conduct for members**

**Members Allowances scheme** – details what it is and how it is reviewed.

**Note** – includes a **member/ officer protocol** that details how officers and members can work together describing roles, expectations, and how issues between members and officers can be resolved.

## Officers

**Officer Employment Rules** detail the process for the appointment (and dismissal) of some senior officers

**Employee Code of Conduct** – outlines the standards of behaviour that Telford & Wrekin, as a Co-operative Council, expects from employees, as well as the Council's responsibilities as an employer towards its employees. It has at its core, the Council's Co-operative values and sets out the way we do things and what we stand for. The Code forms part of the employee's contract of employment

**Financial Regulations** – clearly details the respective roles of officers at all levels, in respect of, amongst other things, virement, authorisation levels for orders, invoices and contracts, risk management and information security.

**Contract Procedure Rules** – again the roles and responsibilities of different officers are detailed in these rules and have links to key supporting/ explanatory notes. Other things to note – includes contract thresholds/ signing thresholds and contract waivers and rules on how procurement is to be undertaken. Anyone involved in purchasing in the organisation needs to be conversant with these rules.

**NB** provisions regarding the Public Services (Social Value) Act 2012 - procurement processes being used to use procurement to the benefit of the local area are detailed here.

Finally there are rules about citizens' rights including how they can access information how we make information available to the public