

PLYMOUTH CITY COUNCIL

Subject: Delegation of Functions to the Audit and Governance Committee –
Amendment to Constitution

Committee: Council

Date: 19 November 2018

Cabinet Member: Councillor Peter Smith, Deputy Leader

CMT Member: Andrew Hardingham Interim Director for Transformation and Change

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Ref:

Key Decision: No

Part: I

Purpose of the report:

The purpose of this report is to recommend that Council authorise the Audit and Governance Committee to approve changes to the Constitution, subject to Council retaining responsibility for those functions set out in Appendix One to the report.

This will improve the efficiency of the decision making process, and maintain open and transparent decision making.

Corporate Plan:

Maintenance of the Constitution is a central element of the Democratic process of the Council which supports the Democratic values of the Corporate Plan.

Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land:

As this is a change to internal business processes there are no anticipated financial implications.

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:

None

Equality and Diversity:

Has an Equality Impact Assessment been undertaken? No

Recommendations and Reasons for recommended action:

Recommend -

- I. that Council authorises the Audit and Governance Committee to approve changes to the Constitution, set out in Appendix One to the report; subject to Council retaining responsibility for the core documents in the Constitution.

Reason: This will improve the efficiency of the decision making process and the Audit and Governance Committee will provide an appropriate forum for discussion of any technical proposals to amend the Constitution.

Alternative options considered and rejected:

Not accepting the change would not lead to efficiencies in the decision making process.

Published work / information:

None

Background papers:

| Title | Part I | Part II | Exemption Paragraph Number | | | | | | |
|-------|--------|---------|----------------------------|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
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Sign off:

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|---|---------------------|-----|-----------------------|------------|--|----|--|--------|--|----|--|---------------|--|
| Fin | pl.1 8.19 .88 | Leg | lt/31 194/ 1209 | Mon Off | | HR | | Assets | | IT | | Strat Proc | |
| Originating SMT Member – Andrew Hardingham | | | | | | | | | | | | | |
| Has the Cabinet Member(s) agreed the content of the report? Yes | | | | | | | | | | | | | |

1.0 Changes to the Constitution

- 1.1 The Constitution is the key document which sets out the rules of the council. It contains important information on procedures and processes from dealing with petitions to rules of conduct for council employees and councillors. It also describes which bodies and people are authorised to take decisions on behalf of the Council.
- 1.2 The decision by Council to widen the scope of the Audit Committee to include Governance gives an opportunity to reduce the number of reports that go to Council in respect of constitutional matters by authorising the Audit and Governance Committee to deal with changes to some of the parts of the Constitution.
- 1.3 The proposals draw a distinction between the more durable core of a Council constitution i.e. the Articles which establish the Council and empower its main decision-making bodies; the functions that are dealt with at the Annual General Meeting; and the codes and procedural documents which are more likely to be subject to periodic up-dating, replacement and revision. However it is proposed that Council will retain responsibility for the Councillor's Code of Conduct, the Members Allowance Scheme, the Policy Framework, Neighbourhood Working and the Rules of Debate.
- 1.4 This means that all Councillors will continue to be involved in decisions about the key elements of the constitution, however procedural changes can be dealt with by the Audit and Governance Committee in order to be more efficient.
- 1.5 Any proposed changes to the constitution will be notified to all members via email when the relevant agendas are published to the Audit and Governance Committee to allow for members representations. Any changes to the constitution agreed at the Audit and Governance Committee will be notified to all members via email and published on the city council website.

Proposed Amendments to the Constitution

Existing Article 13.3

13.3 Changes to the Constitution

- (a) The Monitoring Officer can change the constitution, in consultation with the appropriate Cabinet member and the Chief Executive, if it is to put right clerical mistakes, to make it follow or clarify the law or to comply with full Council decisions to amend the constitution.
- (b) The Monitoring Officer can also change the Leader's Scheme Part C Responsibility for executive functions to reflect the wishes of the Leader.
- (c) Any other changes must be agreed by Council after considering a report from the Monitoring Officer.

Proposed new Article 13.3

13.3 Changes to the Constitution

- (a) The Audit and Governance Committee can change the following parts of the Constitution:
 - Part F – Access to Information Procedure Rules,
 - Part G – Codes and Protocols apart from the Councillor's Code of Conduct,
 - Part H – Standing Orders and Regulations.
- (b) The Audit and Governance Committee can also make changes to the Council Procedures, the Budget and Policy Procedure Rules, the Call In Procedure Rules, the Cabinet Procedure Rules, the Overview and Scrutiny Procedure Rules and the General Rules applying to Committees.
- (c) The Audit and Governance Committee can refer any proposed changes to the Constitution to Council where considered appropriate.
- (d) The Monitoring Officer can change the constitution, in consultation with the appropriate Cabinet member and the Chief Executive, if it is to put right clerical mistakes, to make it follow or clarify the law, or to comply with Council or Audit and Governance Committee decisions to amend the constitution.
- (e) The Monitoring Officer can also change the Leader's Scheme Part C Responsibility for executive functions to reflect the wishes of the Leader.
- (f) Any other changes must be agreed by Council after considering a report from the Audit and Governance Committee or the Monitoring Officer.