

COUNCIL

TUESDAY, 15 DECEMBER 2020

REPORT OF THE PORTFOLIOHOLDER FOR ASSETS & FINANCE AND MONITORING OFFICER

REVIEW OF THE CONSTITUTION AND SCHEME OF DELEGATION

EXEMPT INFORMATION

None.

PURPOSE

To obtain the Council's approval to the refreshed Constitution (including the Scheme of Delegation).

RECOMMENDATION

- 1. That the Council approve and adopt the Council's refreshed Constitution (including the Scheme of Delegation) at Appendix 1.**

EXECUTIVE SUMMARY

The Council's constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose. The Scheme of Delegation, within the Constitution details where the Council delegates to certain officers powers to undertake duties and functions on its behalf.

Article 16 of the Constitution requires the Monitoring Officer to maintain, monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. Any changes to the Constitution must be approved by full Council after consideration of the proposal by the Monitoring Officer and the Audit & Governance Committee (as necessary).

This refresh of the Constitution has included:

- Advice from the Council's legal advisors to ensure the document remains lawful and accords with best practice.
- Consultation with the Corporate Management Team to ensure the document's application remains practical and is up to date for staff and delegation changes.
- Consideration and endorsement by the Constitution Working Group (comprising cross party membership) which met on 2 March 2020, just prior to the first national Covid-19 lock down.

- Update on the financial limits following the approval of the refreshed Financial Guidance which was approved by the Audit & Governance Committee in July 2020.

The Audit & Governance Committee considered the document at their October 2020 meeting and approved that it be submitted to full Council for final approval.

RESOURCE IMPLICATIONS

None.

LEGAL/RISK IMPLICATIONS BACKGROUND

Without a constitution, including a Scheme of Delegation, the Council could not operate effectively. The Council would risk failure to comply with statutory requirements which in turn would expose the organisation to further vulnerability from potential legal challenge. Such challenges could lead to serious financial and reputational damage.

EQUALITIES IMPLICATIONS

None.

SUSTAINABILITY IMPLICATIONS

None.

BACKGROUND INFORMATION

None.

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LIST OF BACKGROUND PAPERS

APPENDICES

Appendix 1 – Proposed Constitution and Scheme of Delegation with tracked changes.