

CITY COUNCIL – 7 MARCH 2016

REPORT OF THE LEADER OF THE COUNCIL

CONSTITUTIONAL AMENDMENTS

1 SUMMARY

- 1.1 The Local Government Act 2000 requires Council to keep its constitution up to date. Amendments to be reported and/ or agreed are outlined below.
- 1.2 Councillors may wish to make reference to the current constitution, Version 7.18, which can be viewed on line via the following link:
<http://www.nottinghamcity.gov.uk/article/24275/Nottingham-City-Councils-Constitution>. Councillors may request a paper copy for their sole use by contacting Constitutional Services on 0115 8764312.

2 RECOMMENDATIONS

- 2.1 To note the following changes to Executive delegations already approved by the Leader of the Council:
 - a) amendment of delegation 274 (a) to reflect a new authorisation process for Child Care Packages as outlined in paragraph 5.2;
 - b) changes to Executive Portfolios as outlined in paragraphs 5.3 – 5.5;
 - c) Amendment of the scheme of delegation to enable Corporate and Strategic Directors to sub-delegate the countersigning of Portfolio Holder delegated decisions to colleagues at Head of Service level or above as outlined in paragraphs 5.5 – 5.6.
- 2.2 To note (in relation to Executive matters) and approve (in relation to non-executive matters) the amendment to the scheme of delegation in Part 2 of the Constitution clarifying how variations to delegated authority are authorised as outlined in paragraph 5.7.
- 2.3 To approve the change to the Health and Wellbeing Board Commissioning Sub-Committee Terms of Reference as outlined in paragraph 5.8.
- 2.4 To approve changes to the Officer Employment Procedure Rules (Standing Orders on Employment Matters)) and the Terms of Reference for Appointments and Conditions of Service Committee and Full Council, as outlined in paragraph 5.9 and 5.10.

3 REASONS FOR RECOMMENDATIONS

- 3.1 The Local Government Act 2000 requires Council to keep its Constitution up to date.

4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 4.1 The Constitution ensures clarity of rights and duties to enable the Council to conduct its business lawfully and in line with Council policy. Not to update the Constitution is therefore not an option.

5 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

5.1 The Constitution needs to be updated periodically to reflect changes in legislation and to ensure clarity of rights and duties. Since previous Constitutional Amendment reports to Council local decisions have been taken or are proposed which need to be reflected in the current version of the Constitution.

5.2 Children's Care Packages – Delegation number 274a

In order to ensure efficient and appropriate approval levels for children's care packages new levels of delegation have been approved. These require an amendment to delegation number 274a in the scheme of delegation in part 2 of the Constitution. The new levels of authority are as follows:

- a) Corporate Director - £3501 to £4500 per week/ £93,652 to £182,000 per year
- b) Director - £1801 to 3500 per week/ £93,652 to £182,000 per year
- c) Head of Service - £482 to £1800 per week/ £25,052 to £93,600 per year
- d) Service Manager - £115 to £481 per week/ £6052 to £25,000 per year
- e) Team Manager - £0 to £115 per week/ £0 to £6052 per year

Council is asked to note this amendment.

5.3 Changes to Executive Portfolios

Following a change to portfolio responsibilities, Council is asked to note that amendments will be made to Section Seven (Formal Roles and Responsibilities) of Part Two of the Constitution transferring responsibility for the Community Sector from the Portfolio Holder for Adults, Health and the Community Sector to the Portfolio Holder for Strategic Regeneration and Development. Responsibility for Reputation and Communications will transfer from the Portfolio Holder for Resources and Neighbourhood Regeneration to the Portfolio Holder for Adults, Health and the Community Sector.

5.4 To reflect the above changes the title of the Portfolio Holder for Adults, Health and the Community Sector will be amended to no longer refer to the community sector.

5.5 Counter-Signing of Portfolio Holder Decisions

To support efficient decision making and appropriate level of sign off for delegated decisions Council is asked to note the amendment of the Scheme of Delegation in part 2 of the Constitution to enable Corporate and Strategic Directors to sub-delegate the counter-signing of Portfolio Holder Decisions to colleagues at Head of Service Level or above if they feel this is appropriate.

5.6 Council is asked to note that Paragraph 4, i) of the scheme will be amended to read as follows:

“If it is a Portfolio Holder decision, it should be made in conjunction with a colleague who has delegated authority to counter-sign decisions and whose remit covers the subject of the decision. This authority cannot be delegated below Head of Service level and more senior colleagues may decide to reserve this authority to themselves. The colleague counter-signing a decision is wholly responsible for ensuring that they hold the required level of authority to do so. The delegated decision making form recording the decision must be authorised by both parties within 10 working days of each other.”

5.7 Variation to Delegated Authority

Council is asked to note (in relation to Executive matters) and approve (in relation to non-executive matters) an amendment to the scheme of delegation in Part 2 of the

Constitution clarifying how variations to delegated authority are authorised. It is proposed that the following text is added to paragraph 10 of the scheme:

“Variation from Delegated Authority

Where authority has been delegated to implement an approved decision but the need for variation from the approved decision is subsequently identified, depending on the value of the variation, approval for the variation may be required. The financial thresholds identified above that applied to the original decision apply to the level of authority required to authorise the variation. The colleague (Head of Service or above) responsible for managing the implementation of the decision is responsible for identifying any variation to the original decision, seeking the appropriate level of approval for the variation and liaising with the briefing Portfolio Holder where the variation requires officer approval.”

5.8 Health and Wellbeing Board Commissioning Sub-Committee Terms of Reference

Following the establishment of this sub-committee, in the summer of 2015, the Health and Wellbeing Board has reviewed the frequency with which it needs to meet and agreed to reduce the number of meetings from bi-monthly to quarterly. Council is asked to approve the reflection of this in the sub-committee’s terms of reference.

5.9 Full Council and Appointments and Conditions of Service Committee Terms of Reference

Paragraph 3 of schedule 1 to the Local Authorities (Standing Orders) Regulations 1993 states that every appointment of a Chief Officer shall be made by the authority. Furthermore, Paragraph 1(b) of Schedule 2 (authorised variations to prescribed Standing Orders) to the 1993 Regulations state that standing orders may provide that any chief officer may be appointed by a committee or sub-committee of the authority, or a relevant joint committee. It is proposed that the Constitution (Standing Orders) is amended in accordance with Paragraph 1(b) of Schedule 2 to the 1993 Regulations so that an appointment of a Chief Officer can be made by the Appointments and Conditions Service Committee.

5.10 Council is asked to approve an amendment to the Appointment and Conditions of Service Terms of Reference in Part 2 of the Constitution as follows:

“To undertake the appointment process (long listing, short listing and formal interviews) (or to appoint a politically balanced panel to undertake long listing and, short listing) in respect of the Chief Officers (as referred to in paragraph 1(a) of the Officer Employment Procedure Rules (Standing Orders on Employment Matters)), subject to having ascertained the views of the Executive Board in accordance with Standing Orders, ~~to make recommendations to Council;~~

To approve the appointment of Chief Officers (as referred to in paragraph 1(a) of the Officer Employment Procedure Rules (Standing Orders on Employment Matters))

6 FINANCE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY)

6.1 The proposals in the report have no significant financial implications for the Council.

7 LEGAL AND PROCUREMENT COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)

- 7.1 The Council would be in breach of its statutory duty if it did not update its constitution and it is essential that there is clarity for councillors, colleagues, partners and citizens about rights and duties.

8 EQUALITY IMPACT ASSESSMENT (EIA)

- 8.1 Has the equality impact of the proposals in this report been assessed?

No



An EIA is not required because the report does not contain proposals or financial decisions.

9 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

- 9.1 None

10 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

- 10.1 The Council's Constitution version 7.18

**COUNCILLOR JON COLLINS
LEADER OF THE COUNCIL**