

Bath & North East Somerset Council		
MEETING:	Council	
MEETING DATE:	12 th July 2018	
TITLE:	Amendments to the Constitution and related business	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix 1 – Part 3, Section 4 A-E Officer Delegation Scheme		
Appendix 2 – Part 3, Section 4 C-1 Proper Officer functions table		
Appendix 3 – Development Management delegation scheme		
Appendix 4 – Housing Services delegation scheme		
Appendix 5 – Part 4K – Employment rules		
Appendix 6 – Part 5, Restructuring Implementation Committee Terms of Reference		

1 THE ISSUE

1.1 The Constitution is a single point of reference which contains the principal governance structures and procedures of the authority. It 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.

1.2 This report sets out various proposed amendments to the Constitution.

2 RECOMMENDATION

The Council is asked to;

2.1 Agree the revised Officer delegation scheme (Part 3, Section 4 A-E) as set out in paragraph 5.1 and Appendix 1;

2.2 Agree the revised Proper Officer functions table (Part 3, Section 4 C-1) as set out in paragraph 5.1 and Appendix 2;

2.3 Agree the revised Development Management delegation scheme (Part 3 – Responsibility for Functions) as set out in paragraph 5.2 and Appendix 3;

- 2.4 Agree the revised Housing Services delegation scheme (Part 3 – Responsibility for Functions) as set out in paragraph 5.2 and Appendix 4;
- 2.5 Agree the proposed revisions to the Employment rules (Part 4K) as described in paragraph 5.3 and Appendix 5;
- 2.6 Agree the revised Restructuring Implementation Committee Terms of Reference (Part 5) as set out in paragraph 5.3 and Appendix 6;
- 2.7 Agree that the Indemnities scheme for Members and Officers (already approved on 21st July 2016) can be amended to specifically mention panel and co-opted members, which was always the intention of the scheme, as set out in paragraph 5.4.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 There are no financial, property or people implications directly arising from this report.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The Constitution must be in compliance with the terms of the Local Government Act 2000, Local Government and Public Involvement in Health Act 2007 and Local Democracy, Economic Regeneration and Construction Act 2009, Localism Act 2011 and any other relevant statutory acts or guidance.

5 THE REPORT

5.1 Officer delegations

The Officer Delegation scheme has been amended to reflect the new Council management structure and includes an amendment to the Corporate Property Officer section and inclusion of the Data Protection Officer in line with GDPR regulations.

The Proper Officer Functions table has been amended to include the Data Protection Act 2018.

Any other minor post title changes have been amended in the Constitution.

5.2 Revisions to Service delegation schemes

These revisions are recommended to ensure the schemes remain legal, relevant and effective.

5.3 Employment rules

The constitutional rules concerning the Employment committee and the Restructuring Implementation Committee have been amended to reflect the delegations that Council made to the Restructuring Implementation Committee.

The Terms of Reference of the Restructuring Implementation Committee have been amended to make them more comprehensive, by including existing Human Resources policy regarding compulsory redundancies. This does not reflect a change to policy.

5.4 Indemnities for co-opted members

The Council on 21st July 2016 approved an Indemnities Scheme for Members and Officers (as recommended by the Standards Committee);

<https://democracy.bathnes.gov.uk/documents/g4527/Public%20reports%20pack%2021st-Jul-2016%2018.30%20Council.pdf?T=10>

Recent consideration of independent school appeal panel members' responsibilities with regard to GDPR has highlighted the need for this policy to be confirmed as covering all panel members and co-opted members. Council is asked to confirm this to provide the reassurance needed for these invaluable voluntary panel members.

6 RATIONALE

- 6.1 Council is requested to agree the amendments to ensure that the Constitution is up to date with best practice and provides robust arrangements to facilitate effective debate and decision making. An updated Constitution will ensure the Council is less likely to be challenged on its procedures and processes.

7 OTHER OPTIONS CONSIDERED

- 7.1 If the Constitution is not amended, it will not be robust enough to support effective decision making processes at Council, or reflect the correct legal position.

8 CONSULTATION

- 8.1 The Chief Executive & Monitoring Officer were consulted in preparing this report.

9 RISK MANAGEMENT

- 9.1 Considered as part of the formulation of proposals.

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Background papers	<i>The Constitution.</i>
Please contact the report author if you need to access this report in an alternative format	