



Report to Council

Report of: Chief Executive

Date: 3rd October 2018

Subject: Changes to the Constitution

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Summary:

This report provides details of proposed changes to the Constitution.

Recommendations:

That the Council considers adopting the changes to the following Parts of the Constitution, as set out in the report and appendices:-

- (a) Part 4 – Contracts Standing Orders

- (b) Part 5 - Monitoring Officer Protocol – Appendix A (Procedure for Dealing with Complaints Regarding City, Parish and Town Councillors and Co-opted Members)

Background Papers: NONE

Category of Report: OPEN

Statutory and Council Policy Checklist

Financial implications
NO - Cleared by Anna Sanderson
Legal implications
YES – Cleared by David Hollis
Equality of Opportunity implications
NO
Tackling Health Inequalities implications
N/A
Human rights implications
N/A
Environmental and Sustainability implications
N/A
Economic impact
N/A
Community safety implications
N/A
Human resources implications
N/A
Property implications
N/A
Area(s) affected
None
Relevant Scrutiny Committee if decision called in
N/A
Is the item a matter which is reserved for approval by the City Council?
YES
Press release
NO

1. Introduction

1.1 This report provides details of proposed changes to the Council's Constitution.

2. Background

2.1 To ensure that the Constitution is kept up to date, where changes are required these are submitted to Full Council for approval.

2.2 In addition, the Director of Legal and Governance, in consultation with the Lord Mayor, has delegated authority to make any minor and consequential drafting changes to the Constitution.

3. Proposed Changes and Reasons

3.1 Part 4 – Contracts Standing Orders

3.1.1 The changes to Contract Standing Orders are necessary to reflect;

- The change of title and role of Director of Commercial Services to Director of Finance and Commercial Services
- The introduction of the Sourcing Desk within Finance and Commercial Services that seeks quotes for Goods and Services where the contract value is between £25,000 and £150,000.

3.1.2 Training on these changes has been provided to managers throughout the Council.

3.1.3 A further wholesale review of Contract Standing Orders will be brought to a future Council meeting.

3.1.4 The proposed changes to the Contracts Standing Orders are set out in Appendix A to this report.

3.2 Part 5 - Monitoring Officer Protocol

3.2.1 The Monitoring Officer Protocol, contained in Part 5 (Codes and Protocols) of the Constitution, was last amended in December 2017. Appendix A to the Protocol (The Procedure for Dealing with Complaints Regarding City, Parish and Town Councillors and Co-opted Members) has been reviewed and several proposed revisions were endorsed by the Audit and Standards Committee, at its meeting held on 20 September 2018.

3.2.2 In addition to updating the number and the names of Independent Persons and the Democratic Services Officer responsible for processing complaints, the revisions proposed in this report fall into two categories; those relating to timescales, and those relating to data protection/retention periods.

3.2.3 Timescales

Currently the process requires that the complainant and the subject of the complaint be informed in writing within 5 working days of the outcome and the reasons for the decision taken at the Assessment meeting and those taken at Consideration or Hearing Sub Committee meetings. It is proposed this timescale be extended to 10 working days in order to set realistic expectations as to when complainants and subjects of complaints will be notified of decisions.

3.2.4 Although the 5 working day timescale has largely been adhered to, the reality is that this is an unsustainable turn-around period. In order to ensure assessment meetings are as efficient as possible, multiple complaints are increasingly being considered at the same meeting which in turn necessitates multiple decision letters being produced in the same timescale. Extending the timescale to 10 working days will mitigate the risk of making mistakes in the decision letters whilst maintaining quality and level of detail.

3.2.5 Similarly, currently Consideration Sub Committee meetings are scheduled to meet within one month of the final investigation report being submitted to the Monitoring Officer. However, the Consideration Sub-Committees held this year have been scheduled outside of the one-month deadline. It is therefore proposed that this timescale be extended to two months in order to set a more realistic expectation for complainants and subjects of complaints as to when the issue will be considered, as well as allowing for greater flexibility of Members' and Independent Persons' diaries.

3.2.6 The effect of these changes should not have any adverse effect to complainants or subjects of complaints, and it is expected that the majority of complaints will still be completed within 5 working days.

3.2.7 Data Protection/Retention Periods

In light of the General Data Protection Regulation (GDPR) which came into force on 25 May 2018, paragraph 11 of the Procedure has been expanded to make specific reference to the retention period for the personal details of complainants.

3.2.8 Although personal information about the complainant and details of the complaint itself is proposed to be deleted after 7 years (unless the Council elect to retain it for a longer period in order to comply with legal and regulatory obligations), records of the number of complaints received, the outcomes and the subject Members will be kept for so long afterwards as is considered may be required to deal with any questions or complaints about the service.

3.2.9 Further Review

To assess the success of these changes, it is suggested that the revised procedure is reviewed in approximately twelve months' time.

- 3.2.10 Any complaints submitted before any revisions are approved by Full Council will be considered under the existing Procedure.
- 3.2.11 The proposed changes to the Protocol are set out in Appendix B to this report.

4. Legal Implications

- 4.1 Except where delegated by Council as indicated at paragraph 2.2, variations to the Constitution may only be made by Full Council.
- 4.2 Under section 9P of the Local Government Act 2000, the Council must prepare a constitution and keep it up to date. It must be available to the public and, under the Local Government Transparency Code 2015, be published on the Council's website. A number of the proposed amendments in this report are to ensure a consistency in approach and to bring parts of the Constitution up to date to comply with the legislation.

5. Financial Implications

- 5.1 Any costs and savings associated with the sourcing desk were managed through the 2018/19 business planning process. There are no further financial implications to the changes in the standing orders.

6. Equality of Opportunity Implications

- 6.1 There are no equalities implications.

7. Recommendations

- 7.1 That the Council considers adopting the changes to the following Parts of the Constitution, as set out in the report and appendices:-
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 - (b) Part 5 – Monitoring Officer Protocol – Appendix A (Procedure for Dealing with Complaints Regarding City, Parish and Town Councillors and Co-opted Members)

Chief Executive

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