

REDDITCH BOROUGH COUNCIL

ANNUAL COUNCIL

20th May 2019

COUNCIL'S CONSTITUTION

Relevant Portfolio Holder	To be confirmed
Portfolio Holder Consulted	Not applicable
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services
Ward(s) Affected	All
Ward Councillor(s) Consulted	N/A
Key Decision / Non-Key Decision	Non-key

1. SUMMARY OF PROPOSALS

- 1.1 The Council is required to review its scheme of delegations at the Annual Meeting. This report presents the scheme for noting together with updated procedure notes for the Audit, Governance and Standards, Licensing and Overview and Scrutiny Committees containing information in respect of public speaking at Committee meetings.

2. RECOMMENDATIONS

Members are asked to RESOLVE that

- 1) the current version of the Officer Scheme of Delegations is agreed as set out at Appendix 1;**
- 2) the procedure rules for the Audit, Governance and Standards Committee, updated to include reference to public speaking at meetings of the Committee, be approved;**
- 3) the procedure rules for the Licensing Committee, updated to include reference to public speaking at meetings of the Committee, be approved; and**
- 4) the procedure rules for the Overview and Scrutiny Committee, updated to include reference to public speaking at meetings of the Committee, be approved.**

3. KEY ISSUES

Financial Implications

- 3.1 There are no financial implications arising directly from this report.

Legal Implications

- 3.2 Review and revision of the Constitution is governed by Article 15 of the Constitution.

- 3.3 Section 101 of the Local Government Act 1972 (as amended) gives a general power to local authorities to discharge functions through officers. Local Authorities are required by the same Act to maintain a list of these, which is referred to as the Scheme of Delegation. This sets out those powers of the Council which can be carried out by officers of the Council.

Service / Operational Implications

- 3.4 The Council's Constitution currently requires that the Officer Scheme of Delegations be approved by Members at the Annual Meeting of the Council.
- 3.5 The Officer Scheme of Delegations is the part of the Constitution that gives authority for certain decisions to be delegated from Council, the Executive Committee (Executive) or other committees to certain specified officers. It sets out the decisions which are delegated by Council to officers and the decisions which are delegated by the Executive to officers. In relation to certain regulatory decisions, the delegation is from Council to the relevant committee, namely Planning Committee or Licensing Committee.
- 3.6 The Scheme of Delegations is regularly altered and updated to reflect changes in the operation of the Council and changes to legislation. Changes have been made by the Monitoring Officer in accordance with the delegation that currently exists to amend the scheme to reflect changes in legislation, job titles and reallocation of functions. They do not extend the delegations.
- 3.7 At a meeting of Council on 25th February 2019 Members agreed to introduce formal public speaking arrangements for all Committees where this was not already in place. The decision to introduce formal public speaking arrangements was made following receipt by the Council of a complaint from a local resident about the lack of opportunities to speak at some Committee meetings.
- 3.8 The introduction of formal public speaking arrangements had specific implications for the Audit, Governance and Standards Committee, the Licensing Committee and the Overview and Scrutiny Committee. All three Committees considered public speaking arrangements at meetings in March and April 2019 and concluded that the same public speaking arrangements already in place for the Planning Committee should be introduced. These arrangements are reflected in the updated procedure rules for the Audit, Governance and Standards, Licensing and Overview and Scrutiny Committees which Members are invited to approve.
- 3.9 The Constitutional Review Working Party will consider any further proposed changes to the Scheme of Delegations and Committee Procedural Rules at meetings during the year.

Customer / Equalities and Diversity Implications

- 3.10 There are no specific customer or equalities implications arising from this report.

4. RISK MANAGEMENT

The main risks associated with the details included in this report are failure to comply with governance requirements which may expose the Council to the risk of challenge by way of judicial review or appeal which may result in awards of damages and costs against the Council and loss of reputation.

5. APPENDICES

Appendix 1 - Scheme of delegations to officers revised May 2019.
Appendix 2 – Audit, Governance and Standards Committee Procedure Rules
Appendix 3 – Licensing Committee Procedure Rules
Appendix 4 – Overview and Scrutiny Procedure Rules

6. BACKGROUND PAPERS

None

7. KEY

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