

Cherwell District Council

Council

18 December 2017

<p>Constitutional Amendments and Review of Constitutional and Governance Arrangements</p>
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Report of Interim Assistant Director Transformational Governance / Monitoring Officer

This report is public

Purpose of report

To amend the terms of reference of the Joint Commissioning Committee (JCC), to delegate authority to the Monitoring Officer to reassign to the officer scheme of delegation in light of the newly agreed senior management structure and to agree the proposed approach to review constitutional and governance arrangements.

1.0 Recommendations

The meeting is recommended to:

- 1.1 Agree to amend the terms of reference of the Joint Commissioning Committee to include the determination of terms and conditions and the determination of HR policies, the creation of new posts where there is an increase to the establishment and no budget and the restructuring of teams involving more than five posts for all staff employed by Cherwell District and South Northamptonshire Councils.
- 1.2 Delegate authority to the Monitoring Officer, in consultation with the Chief Executive, to reassign the officer scheme of delegation in accordance with the new senior management structure as agreed by JCC; to add the proposed delegations as set out at 3.11 and to amend the constitution accordingly.
- 1.3 Request officers to carry out a review of constitutional and governance arrangements for discussion and consideration by group leaders.

2.0 Introduction

- 2.1 From time to time it is necessary to review the council's constitutional arrangements in light of changes and their impact. In recent months there have been a number of changes, including the completion of the programme of business cases to create shared teams, the new senior management structure for the council and issues identified in the peer review.

- 2.2 This report makes proposals in order to address two constitutional amendments that are required to ensure the efficient and effective transaction of business and to bring forward a more detailed review of the constitution and governance arrangements.

3.0 Report Details

Joint Commissioning Committee (JCC) Terms of Reference

- 3.1 The Joint Commissioning Committee was created to to have overall responsibility for the provision, to the adopting councils, of shared services arrangements responsibility including any decision on staffing matters for any shared service.
- 3.2 In recent months the Councils have finished the process of creating shared teams and all of these teams (the vast majority of employees) now come within the terms of reference of the Joint Commissioning Committee.
- 3.3 There are however some posts that have not been brought forward via a business case and do not come under the Joint Commissioning Committee, these include the Cherwell catering staff, Build! team, Bicester team and manual staff based at the depots (although this last group are effectively a shared team and on the same terms and conditions but have not been designated as a shared team).
- 3.4 As members will be aware work is continuing on the harmonisation of HR policies, pay and terms and conditions across both councils, however responsibility for making decisions on these is shared across three committees Joint Commissioning Committee, Appointments and Personnel Committee (SNC) and Personnel Committee (CDC).
- 3.5 Similarly the responsibility for making decisions on the creation of new posts where there is an increase to the establishment and no budget and the restructuring of teams involving more than five posts is shared across three committees Joint Commissioning Committee, Appointments and Personnel Committee (SNC) and Personnel Committee (CDC).
- 3.6 It is proposed to amend the terms of reference of the Joint Commissioning Committee to include the determination of terms and conditions and the determination of HR policies, the creation of new posts where there is an increase to the establishment and no budget and the restructuring of teams involving more than five posts for all staff employed by Cherwell District and South Northamptonshire Councils.
- 3.7 The Appointments and Personnel Committee (SNC) and Personnel Committee (CDC) will have very few remaining functions and it is proposed that the need for these committees is considered as part of the review of constitutional and governance arrangements with a view to these ceasing for the municipal year 2019/20.

Officer Scheme of Delegation

- 3.8 At the meeting on 16 November 2017 and following consultation with in scope staff the Joint Commissioning Committee agreed a new shared senior management structure for the councils. As a result of this decision the council's officer scheme of delegation needs to be realigned to the new structure and delegations re-allocated to appropriate posts.
- 3.9 It is recommended that delegated authority be given to the Monitoring Officer in consultation with the Chief Executive to reassign the officer scheme of delegation in accordance with the new senior management as agreed by JCC and amend the constitution accordingly.
- 3.10 Following this realignment work will take place with post holders in the new structure to review the scheme of delegation in their area and as a result to bring forward proposed amendments for consideration by council.
- 3.11 Additionally the Monitoring Officer has been made aware of some required amendments to the officer scheme of delegation to ensure the efficient and effective transaction of council business. The amendments relate to Primary Authority status (Primary Authority enables businesses to form a legal partnership with one local authority, which then provides assured and tailored advice on complying with environmental health, trading standards or fire safety regulations that other local regulators must respect), delegating restructures of ten posts or less and updates to the spatial planning delegations. It is proposed that the following be included in the officer scheme of delegation and allocated to the appropriate officer:
- To exercise all the Council's powers with respect to Primary Authority Status.
 - To determine new organisation structures below Deputy Chief Officer provided that changes do not affect more than ten posts in any one restructuring, there are no resultant compulsory redundancies, change is with the agreement of existing staff and the change can be contained within service budgets.
 - To lead Local Plan making and the preparation of the Local Development Framework.
Oversee the development and 'adoption' of Supplementary Planning Documents (SPDs).
Ensure the provision of policy advice on land use planning.
Oversee development and 'making' of Neighbourhood plans.
Undertake the annual monitoring of plan delivery (AMRs).
Undertake Infrastructure planning and preparation of associated funding bids.
Oversee maintenance of each Districts 5 year land supply for housing.
Preparation of the policy content of planning appeals.
Oversee implementation of 'Duty to Cooperate' with neighbouring Councils.

Review of Constitutional and Governance Arrangements

- 3.12 It is good practice to periodically review the council's constitutions and governance arrangements. Whilst some amendments have been made in the last few years, the last major review took place in 2011 and 2012. Since this time there have been a number of developments in how the councils operate and new legislation.

- 3.13 Since her arrival and in consultation with the Leaders, the Chief Executive has identified a number of opportunities for improving and enhancing the constitution and governance arrangements. Additionally, the LGA Peer Review highlighted a number of areas for improvement.
- 3.14 In order to progress this area of work it is recommended that officers be requested to carry out a review of constitutional and governance arrangements for discussion and consideration by group leaders.

4.0 Conclusion and Reasons for Recommendations

- 4.1 It is believed that the proposals set out in this report will help to ensure the lawful, efficient and effective operation of the councils.

5.0 Consultation

None

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: Not to amend the constitution. This is rejected, as it is important that the constitution is regularly maintained to ensure lawful, efficient and effective decision making.

7.0 Implications

Financial and Resource Implications

- 7.1 There are no financial implications arising from this report.

Comments checked by:

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Legal Implications

- 7.2 The Monitoring Officer has produced this report. The proposals set out within this report are in accordance with good practice and legislative requirements.

Comments checked by:

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8.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

N/A

Lead Councillor

Councillor Barry Wood (CDC) and Councillor Ian McCord (SNC)

Document Information

Appendix No	Title
None	None
Background Papers	
None	
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