

Rother District Council

Report to: Audit and Standards Committee

Date: 27 July 2022

Title: Review of the Constitution - Part 3, Responsibility for Functions - Recommendations of the Constitution Review Steering Group

Report of: Malcolm Johnston, Chief Executive

Ward(s): -

Purpose of Report: To present amendments to Part 3, Responsibility for Functions of the Constitution for approval and adoption.

Officer

Recommendation(s): **Recommendations to COUNCIL:** That

- 1) the proposed amendments to Part 3, Responsibility for Functions of the Council's Constitution be approved and adopted;
 - 2) the Chief Executive be granted delegated authority to amend the Planning Committee functions in light of legal advice;
 - 3) the Human Resources Committee be scheduled to meet twice per year in April and October;
 - 4) the Licensing and General Purposes Committee be scheduled to meet three times per year in January, May and September (a reduction of one); and
 - 5) Group Leaders be requested to nominate Members to be appointed to the Human Resources Committee in accordance with the political balance requirements as set out in this report, provided that the Leader of the Council is one of the appointees from the relevant allocation.
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Introduction

1. As Members may recall, earlier this year at the Annual Council Meeting, full Council approved a revised Constitution following the review undertaken by the Constitution Review Steering Group (CRSG).
2. At that time, it was noted that Part 3, Responsibility for Functions and Part 8, Delegations to Officers were still to be completed and would follow in the coming months.
3. The responsibility for considering and recommending changes to the Constitution has now moved from the Overview and Scrutiny Committee to this Committee, as set out in Article 15. This report brings forward the proposed amendments to Part 3, Responsibility for Functions. Work on Part 8, Delegations to Officers would commence following conclusion of the management reorganisation that was currently underway and was expected to be reported to Members by the end of year.

Considerations and Recommendations

4. The proposed amendments to Part 3, Responsibility for Functions, is set out at Appendix 1, with all proposed amendments shown. Relevant Heads of Service have been consulted and any amendments have been incorporated as well as amendments made as a consequence of changes to the Constitution already agreed.

Members' attention is drawn to the following:

Full Council – amendments pick up previous decisions.

Cabinet – clarification regarding membership of Cabinet; reference to the Employers Side function of the Local Staff Joint Committee removed as no longer exists.

Audit and Standards – Membership and restrictions on appointments clarified and general improvements.

- 3.3 (11) – New – Audit and Standards Committee now appoints an Audit Independent Person.
- 3.4 (9) and (10) - Regulatory framework amended to include new Constitutional role.
- 3.6 Standards Functions – (2) to include requirement to report annually to Full Council on ethical standards matters and (4) Member / Officer protocol.

Human Resources Committee - NEW

Licensing and General Purposes Committee

- Streamlined functions recommended by the Head of Environmental Services, Licensing and Community Safety – use a catch-all approach.
- General Licensing and Taxi and Private Hire Licensing Panels – as recommended by the Head of Environmental Services, Licensing and Community Safety.

Overview and Scrutiny Committee

Referral to the previously agreed Article 6 and streamlined so as not to duplicate information.

Substitute Scheme

This has been moved into Council Procedure Rules.

Planning Committee

A review of functions in comparison with Wealden District Council's Planning Committee functions has been undertaken, with proposed amendments shown in RED. The purple text is contained within our current functions and not in Wealden's. This section has been passed to the Council's Legal Service, provided by Wealden for their review. It is proposed that the Chief Executive be granted delegated authority to agree the final version of the delegations should there be any changes to that presented here.

Consequential Additional Recommendations – HR Committee

5. Until the concept of a new HR Committee had been agreed by Council in May, the consequential recommendations had not been formulated. The following matters therefore need to be considered and recommended to Council.

HR Committee

- The HR Committee be convened to meet in April and October each year, with the first meeting taking place in October 2022. Group Leaders be invited to nominate Members to be appointed to the Committee in accordance with the political balance requirements, with one of the seats allocated to the Leader of the Council, from the Leader's political grouping. The allocation being as follows:

Conservative Group = 3 seats

Liberal Democrat = 2 seats

Association of Independents = 2* seats

*one of these seats must be allocated to the Leader of the Council.

Licensing and General Purposes Committee

6. Due to the reduction in workload for the Licensing and General Purposes Committee, the Licensing and General Purposes Committee be scheduled to meet three times per year (a reduction of one). It is recommended that the Committee meets in January, May and September.

Environmental Implications

7. Rother District Council's Environment Strategy sets out the Council's vision for reducing our impact on the environment and our commitment to make Rother District carbon neutral by 2030.
8. By regularly reviewing the way the Council operates will ensure that the Council continues to change and adapt to help reduce its carbon footprint and the Constitution will continue to evolve to meet the challenge.

Risk Management

9. The Council is required to have an up-to-date Constitution available at all times. The risk of having a Constitution that is difficult to understand may lead to Members and officers not acting in accordance with the Constitution which could result in potential challenge, maladministration and reputational damage.

Conclusions

10. Members are asked to consider and recommend this further part of the Constitution to Council.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	Consultation	No
Environmental	Yes	Access to Information	No

Risk Management		Yes	Exempt from publication	No
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Appendices:	Appendix 1 – Proposed Amendments – Part 3 Responsibility for Functions			
Relevant previous Minutes:	OSC21/60 – Overview and Scrutiny CB21/103 – Cabinet C22/15 – Council			