


‘A’ ITEM

	REPORT TO CABINET TO BE HELD ON 18 OCTOBER 2016	
	Key Decision	No
Corporate Priority Efficient and effective Council	Forward Plan Ref No	
	Cabinet Portfolio Holders	The Leader and Cllr Turner

REPORT OF: Director (LD) – 16/222

WARDS AFFECTED: All

SUBJECT: REVISIONS TO THE CONSTITUTION

RECOMMENDATIONS:

That the Cabinet recommend the Council:

1. notes the amendments to the Constitution resulting from:
 - the introduction of the new overview and scrutiny model
 - the disbandment of the area committees
 - the establishment of the Ports Development Group
 - the adoption of the new Corporate Plan
 - the reallocation of management responsibilities following the deletion of the post of Deputy Chief Executive; and

2. approves the amendments to the Constitution resulting from the increase in financial thresholds for the sale and lease of Council land and property

REASON FOR RECOMMENDATIONS:

- To clarify for Members the extent of revisions to the Constitution resulting from changes in the governance and management of the Council

- To bring the financial thresholds for the sale and lease of land and property to more realistic levels so to avoid unnecessary bureaucracy and improve the Council's efficiency

HIGHLIGHTED RISKS: See risk matrix

1. INTRODUCTION

- 1.1 The Council is required to review its Constitution at least every four years. In practice there are continuing changes to the elements of the Constitution as the Council has revised its approach to the management of its business, for example in relation to the new overview and scrutiny model and alterations to the management structure

2. CORPORATE AIMS/PRIORITIES AND THE COMMUNITY PLAN

- 2.1 Ensuring the Constitution is kept up to date supports the Corporate Aim of an efficient and effective Council.

3. CONSULTATION

- 3.1 Most of the amendments flow from decisions already made by Members. The revisions to the financial thresholds have been proposed by the Cabinet Member for Harbours, Assets, Coast and Flood Protection at the Cabinet and discussed at the Executive Board.

4. BACKGROUND AND ISSUES

New overview and scrutiny model and disbandment of the area committees

- 4.1 On approving the Council's new governance arrangements at its meeting on 26 February 2016, the Council delegated authority to the Monitoring Officer to make the required changes to the Constitution. Principally, these constitute a new Article 6, Overview and Scrutiny Board and all references to the overview and scrutiny committees replaced with references to the Board. Further, in paragraph 3.1 of the Council Procedure Rules (at Section 4.1), the Chairman of the Overview and Scrutiny Board has been added to the list of councillors who give their regular statements to full Council.
- 4.2 In respect of the area committees, all references to them have been removed, principally Article 10 and the Additional Area Committee Procedure Rules at Part 4, Section 4.6.

Deletion of the post of Deputy Chief Executive

- 4.3 All references to the post of Deputy Chief Executive have been removed. For example, section 5 (Deputy Chief Executive authorisations) of Part 3 Schedule 3 (Scheme of Delegation to Officers) has been deleted. These authorisations now appear in section 6 (Director (NE) authorisations) paragraphs 6.6 and 6.7 and in section 8 (Director (TW) authorisations) paragraphs 8.12 and 8.13. In section 10 (The Following Officers) the Director(s) are now authorised in the absence of the Chief Executive, and the

Environment Manager and Housing Manager are now authorised in the absence of the Director (TW).

Ports Development Group

- 4.4 In addition to the PDG's inclusion as a Standing Working Group of the Cabinet in Article 7, the PDG also provides Members to serve on Appeals Panels in respect of officer decisions on harbour matters (in Article 8 – Regulatory and Other Committees).

Corporate Plan – Towards 2030

- 4.5 The new Corporate Plan is reflected in the updated Vision/Mission and Aims in Part 2 (Articles of the Constitution) Article 1 section 1.3 (Purpose of the Constitution).

Land and Property

- 4.6 The following financial thresholds for the sale and lease of Council land and property have not been reviewed for some years.

<u>Type of Approval</u>	<u>Anticipated Proceeds</u>	<u>Body which gives Approval</u>
In Principle	£50,000 or more	Cabinet
In Principle	between £25,000 - £49,999	Relevant Cabinet Member
In Principle	below £25,000	Director (NE)
Final	£100,000 or more	Cabinet
Final	between £50,000 - £99,999	Relevant Cabinet Member
Final	below £50,000	Director (NE)

- 4.6 The revised thresholds below set more realistic and proportionate values to the body giving the in principle/final approval, thereby reducing unnecessary bureaucracy, and making more efficient use of the Council's resources.

<u>Type of Approval</u>	<u>Anticipated Proceeds</u>	<u>Body which gives Approval</u>
In Principle	Below £50,000	Director (NE)
In Principle	between £50,000 - £139,999	Relevant Cabinet Member
In Principle	£140,000 or more	Cabinet
Final	Below £50,000	Director (NE)
Final	between £50,000 - £139,999	Relevant Cabinet Member
Final	£140,000 or more	Cabinet

- 4.7 The affected paragraphs concern the sale of land and property at 4.102 to 4.104 and the leases of land and property (annual rental values) at 4.105 of the Financial Procedure Rules.

5. ASSESSMENT

- 5.1 The proposed amendments simply update the Constitution in line with changes either already approved by Members or in the case of the financial thresholds for the disposal of Council land and property, to reduce unnecessary bureaucracy and make more efficient use of the Council's resources.

6. IMPLICATIONS

- 6.1 **Policy/ Legal-** the Constitution is required to be kept up to date by the Monitoring Officer.
- 6.2 **Financial Implications-** None
- 6.3 **Sustainability -** None
- 6.4 **Equality and Diversity –**None
- 6.5 I have considered whether any staffing, planning, and crime and disorder implications arise from this report and am satisfied that there is no identified implication that will arise from this decision.



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Background Papers:
None

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT THE AUTHORS

Risk Matrix

Risk Ref	Date	Risk	Consequences	Mitigation	Current Risk Score	Target Score	Service Unit Manager/ Responsible Officer	Action Plan
1	October 2016	Constitution is not kept up to date	Decisions made by the Council could be subject to legal challenge	Ensure the Constitution is regularly reviewed and updated	B4	A2	Regulatory and Governance Manager	None

Glossary of Terms

Risk	An event which may prevent the Council achieving its objectives
Consequences	The outcome if the risk materialised
Mitigation	The processes and procedures that are in place to reduce the risk
Current Risk Score	The likelihood and impact score with the current mitigation measures in place
Corporate Objectives	An assessment of the Corporate Objectives that are affected by the risk identified.
Target Risk Score	The likelihood and impact score that the Council is aiming to achieve
Service Unit Manager	The Service Unit or Officer responsible for managing the risk
Action Plan	The proposed actions to be implemented in order to reduce the risk to the target score

Risk Scoring

Impact	5					
	4					
	3					
	2					
	1					
		A	B	C	D	E
	Likelihood					

Likelihood:

A = Very Low
 B = Not Likely
 C = Likely
 D = Very Likely
 E = Almost Certain

Impact

1 = Low
 2 = Minor
 3 = Medium
 4 = Major
 5 = Disaster