

# Management Committee

## 15 August 2017

### Constitution Update

#### FOR RECOMMENDATION TO COUNCIL

**Portfolio Holder(s):** Councillor Alison Reed

**Senior Leadership Team Contact:** S Caundle, Assistant Chief Executive

**Report Author:** R Firth – Corporate Manager – Legal; S Caundle – Monitoring Officer

#### Statutory Authority

Section 101, 102 Local Government Act 1972;

#### Purpose of Report

1. To identify further potential changes to the Constitution

#### Officer Recommendations

2. That Members recommend:
  - (a) the changes to the Constitution the principles of which are identified in this report; and
  - (b) that power be delegated to the Monitoring Officer to update the Constitution to reflect the identified principles.

#### Reasons for Decision

3. To update the Constitutions to clarify the role and function of the Scrutiny and Performance Committee in relation to crime and disorder and health issues and provide minor updates to existing Officer Scheme of Delegation.

#### Background and Reasons

4. Members may be aware that following a petition and subsequent referendum in 2016, West Dorset District Council was required to alter its constitution to a Committee model. This has of necessity required a rewriting of the West Dorset Constitution.
5. As part of that exercise, it was identified that the Constitutions of all three Councils would benefit from greater clarity on committee roles,

responsibilities and powers in relation to crime and disorder and health both of which are statutory requirements.

6. In summary every Council is required:
  - 6.1 to have a committee responsible for undertaking a crime and disorder scrutiny role, with the scrutiny of the functions of responsible authorities being undertaken at least once every twelve months; and
  - 6.2 to have in place arrangements to review and scrutinise matters relating to the planning, provision and operation of health in their area.
7. As both of the roles identified above are very much focused on scrutiny activities to the extent it is not as a matter of fact already undertaking these roles it is considered appropriate that the Scrutiny and Performance Committee be given the relevant statutory powers required to fulfil them. Such roles very much reflect existing powers of an Overview and Scrutiny Committee when exercising its scrutiny function i.e. essentially inviting / requiring attendance of relevant people to answer questions relating to such matters and producing reports for consideration in relation to such functions. There are also provisions to ensure consideration of any reports that are produced.
8. It is therefore suggested that the Articles and Procedural Rules of the Constitution are updated to reflect the relevant statutory provisions.
9. A further consequence of creating a new Constitution for West Dorset was a need to amend / update the existing Officer Scheme of Delegation to reflect the new governance model. As a result of this exercise, it was necessary to add a delegated power specifically in relation to West Dorset. The opportunity is being taken to update the Officer Scheme for all three Councils of the Dorset Council's Partnership:
  - 9.1 to reflect the fact that Officers who undertake RIPA activities will now be named in a standard RIPA policy to be applied to all three Councils of the Dorset Councils Partnership rather than in the Officer Scheme of Delegation;
  - 9.2 to secure that proper officer appointments identified in the Officer Scheme now better reflect existing officer post titles and provide cover in the event of one such officer being absent or unavailable; and
  - 9.3 to include for North Dorset District Council a delegation similar to one recently introduced for Weymouth and Portland relating to empowering the Head of Paid Service / Chief Executive in relation to land acquisitions.
10. The changes identified in 9.1 and 9.2 above are equally relevant to the Weymouth and Portland Officer Scheme. A copy of the proposed revised update of the Officer Scheme is available on the website under the new West Dorset Constitution.

## **Implications**

### **Corporate Plan**

11. The Council has an objective of *deliver a transformation programme that will improve organisational effectiveness and ensure that the strategic priorities of the partnership are met* to which the update of the constitution has relevance.

### **Financial**

12. There are no financial implications directly associated with the recommendations of this report.

### **Risk Management (including Health & Safety)**

13. If the Council fails to keep its Constitution up to date then it increases the risk that it will not be operating in an effective manner and could expose itself to undesirable reputational risk / challenge

## **Consultation and Engagement**

14. None specifically in relation to this report.

## **Background Papers**

Existing constitution

## **Footnote**

Issues relating to financial, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

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