

**COUNCIL CONSTITUTION REVIEW**

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**1.0 EXECUTIVE SUMMARY**

This report considers proposed changes to the Council Constitution.

The Council generally reviews the Constitution annually and various minor changes are proposed and future issues highlighted in this report

The recommendations are as follows:

- 1.1 To note for the purposes of Standing Order 1.3.2, 13.1 and 14.1 that the method of submission of written notice to be given shall be as determined by the Executive Director Customer Services, who shall advise Members from time to time as to the accepted means of delivery.
- 1.2 To amend the Scheme of Delegation to delete the second sentence of paragraph 1.3.2[2] and to invite the Council to appoint a Chair and Vice Chair of the Strategic Committees for Community Services and Environment Development and Infrastructure.
- 1.3 To delete the delegation contained at paragraph 2.5.3[b] as from the date of adoption of the new statutory guidance on area capacity evaluations and to note that such applications shall be included within those matters delegated to the Executive Director Development and Infrastructure Services and to be subject to the same provisions as for other local applications.
- 1.4 To note the proposed update to the Terms of Reference of the Community Services Committee at section 2.3 to clarify the full remit of the service.
- 1.5 To note that there will be a need to update the Constitution further when the IJB becomes operational to create a series of delegations for the Chief Officer in respect of functions currently delegated to the Executive Director of Community Services.
- 1.6 To delete the words “ safe guarders and” from delegation 3 within the detail for the Executive Director of Customer Services as the appointment of safe guarders is now dealt with by a national agency.

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**2.0 INTRODUCTION**

2.1 This report considers proposed changes to the Council Constitution.

The Council generally reviews the Constitution annually and various minor changes are proposed and future issues highlighted in this report

**3.0 RECOMMENDATIONS**

3.1 To note for the purposes of standing order 1.3.2, 13.1 and 14.1 that the method of submission of written notice to be given shall be as determined by the Executive Director Customer Services, who shall advise Members from time to time as to the accepted means of delivery.

3.2 To amend the Scheme of Delegation to delete the second sentence of paragraph 1.3.2[2] and to invite the Council to appoint a Chair and Vice Chair of the Strategic Committees for Community Services and Environment Development and Infrastructure.

3.3 To delete the delegation contained at paragraph 2.5.3[b] as from the date of adoption of the new statutory guidance on area capacity evaluations and to note that such applications shall be included within those matters delegated to the Executive Director Development and Infrastructure Services and to be subject to the same provisions as for other local applications.

3.4 To note the proposed update to the Terms of Reference of the Community Services Committee at section 2.3 to clarify the full remit of the service.

3.5 To note that there will be a need to update the Constitution further when the IJB becomes operational to create a series of delegations for the Chief Officer in respect of functions currently delegated to the Executive Director of Community Services.

3.6 To delete the words "safe guarders and" from delegation 3 within the detail for the Executive Director of Customer Services as the appointment of safe guarders is now dealt with by a national agency.

## **4.0 DETAIL**

- 4.1 The current practice for receipt of formal notice from Members includes hard copy with the required signatures on it, and also receipt of email detailing the proposition together with the required number of seconders /assenters to the matter.
- 4.2 There has been some concern that this practice should be formalised in the Constitution and the proposed wording would allow the Executive Director Customer Services to notify Members of acceptable methods and to keep this under review as technology changes.
- 4.3 The practice of rotating the Chair of a meeting has been operated for a year or so and there appears to be no particular benefit from such an arrangement as opposed to the traditional method, and so it is proposed to alter the Standing Order and invite the Council to appoint a Chair/Vice Chair for each of the Community Services and Environment Development and Infrastructure Committees.
- 4.4 This change anticipates updated statutory guidance on the use of area capacity evaluations and proposes that such applications should no longer automatically go to Committee and should be subject to the same tests as other local applications from the date that the new guidance is formally adopted
- 4.5 This change is to address concerns that the Terms of Reference do not explicitly cover all of the areas of service within the department which would otherwise have been caught by the catch all provision. The rewording will order functions under the remits of each of the Heads of Service.
- 4.6 To note also that will be a requirement to review the Constitution in respect of the delegations relating to Social Work functions once the new IJB is formally constituted and the three year plan approved.
- 5.2 This alteration deals with the formation of a national body that now oversees the list of safe guardians, and as such the Council is no longer required to maintain a list of persons.

## **6.0 IMPLICATIONS**

- 6.1 Policy - These revisions will keep the Constitution up to date
- 6.2 Financial - None
- 6.3 Legal - None
- 6.4 HR - None
- 6.5 Equalities - The provisions have no adverse impact in terms of equality

issues

6.6 Risk - None

6.7 Customer Service - None

**Douglas Hendry - Executive Director of Customer Services**  
**Councillor Dick Walsh - Policy Lead Strategic Finance, Improvement, HR,**  
**Customer Support and Facility Services**  
**23 April 2015**

**For further information contact:** Charles Reppke, Head of Governance and Law