



Special Advisory Group

5 November 2014

Report title	Changes to the Constitution	
Cabinet member with lead responsibility	n/a	
Key decision	No	
In forward plan	No	
Wards affected	All	
Accountable director	Keith Ireland, Delivery	
Originating service	Democratic Services	
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Report to be/has been considered by	Standards Committee	8 January 2015
	Council	19 December 2014

Recommendation(s) for action or decision:

The Special Advisory Group is recommended to support revisions to the Constitution for consideration by the Standards Committee and agreement by Council, specifically:

- (1) To include the following within the portfolio of the Cabinet Member for Governance and Performance:

To work with the Returning Officer/Electoral Registration Officer to oversee the Council's Electoral Services functions, including electoral registration and co-ordination of elections.

- (2) To include the appointment of the Electoral Registration Officer and Returning Officer as one of the functions reserved to the Council.
- (3) To delete F14 (delegations to the Director of Education and Enterprise), which requires planning applications that need a Section 106 agreement to be reported to the Planning Committee.

- (4) To add the following delegation to the Cabinet (Resources) Panel's responsibilities to support the delegation to the Strategic Director (F70) to administer such grants:

To be responsible for bids for and to allocate resources available for funding heritage improvements and to determine codes of practice and terms and conditions for making grants.

- (5) To amend the existing delegation (E49) to the Strategic Director for Delivery in respect of fleet management arrangements to read as follows:

'The operational and business management of the Council's functions relating to fleet management and leasing, vehicle compliance, vehicle maintenance and passenger transport services, including setting, recovering and rebating charges as appropriate.'

- (6) To change the Proper Officer for the purposes of appointment and/or dismissal of senior employees to be the Chief Legal Officer.
- (7) To include a delegation in the Constitution to the Strategic Director for Education and Enterprise 'to agree capital expenditure and operational decisions regarding investment in the Council's housing stock, in consultation with the Asset Management Group'.
- (8) To amend references to the 'Procurement Code' to read 'Contract Procedure Rules'.
- (9) To amend the Financial Procedure Rules to confirm that all expenses must be accompanied by a receipt.

1.0 Purpose

- 1.1 This report seeks support for a number of changes to the Constitution, to be considered by the Standards Committee and approved by the Council.

2.0 Background

- 2.1 As part of the iterative approach to maintaining the Constitution, the Constitution Review Group has highlighted a number of changes that need to be made. Some of these are in relation to operational changes within the Council's structures, others reflect changes in regulations and guidance, whilst others simply reflect refinements borne out of experience.

3.0 Changes to the Constitution

Responsibility for electoral functions

- 3.1 Although part of the portfolio for the Cabinet Member for Governance and Performance is to advise the Council in relation to matters pertaining to elections and ward boundaries, there is no specific responsibility to oversee the Council's functions in respect of electoral registration and management of elections. It is therefore proposed to include the following additional responsibility within the portfolio:

To work with the Returning Officer/Electoral Registration Officer to oversee the Council's Electoral Services functions, including electoral registration and co-ordination of elections.

- 3.2 It is one of the functions of a local authority to appoint the Returning Officer and the Electoral Registration. This is not currently included in the functions reserved to Council so it is proposed to amend the Constitution accordingly.

Planning

- 3.3 Due to the evolution of working arrangements, it is unnecessarily burdensome to report to Planning Committee all applications that include a section 106 agreement. In addition, there is an existing delegation to the Strategic Director for Education and Enterprise to administer heritage grants but no corresponding Cabinet oversight (which would be the Council's normal practice for grants). It is therefore proposed to:

- (1) Delete F14 (delegations to the Director of Education and Enterprise), which requires planning applications that need a Section 106 agreement to be reported to the Planning Committee.
- (2) Add the following delegation to the Cabinet (Resources) Panel's responsibilities to support the delegation to the Strategic Director (F70) to administer such grants:

To be responsible for bids for and to allocate resources available for funding heritage improvements and to determine codes of practice and terms and conditions for making grants.

Vehicle leasing charges

- 3.4 The Constitution currently contains a delegation to the Strategic Director in respect of fleet management but this does not include arrangements to cover lease charges. It is therefore proposed to amend the existing wording (E49) to include the additional wording in italics:

'The operational and business management of the Council's functions relating to fleet management and leasing, vehicle compliance, vehicle maintenance and passenger transport services, including setting, recovering and rebating charges as appropriate.'

Proper Officer for senior employee appointments/dismissals

- 3.5 Under a previous management structure, the Proper Officer – as required by the Regulations – for the appointment or dismissal of senior employees was the Assistant Director, Corporate Services. As that post no longer exists, it is proposed that the Proper Officer in future should be the Chief Legal Officer.

Housing capital expenditure and investment delegations

- 3.6 The joint Council/Wolverhampton Homes Asset Management Group takes an overview of the Council's housing stock, considering capital investment and operational decisions. In order to more efficiently manage these arrangements it is proposed to include a delegation in the Constitution to the Strategic Director for Education and Enterprise 'to agree capital expenditure and operational decisions regarding investment in the Council's housing stock, in consultation with the Asset Management Group'. This would be limited in the usual fashion by the Financial Procedure Rules and limits on expenditure.

Other minor changes

- 3.7 A number of other minor changes are proposed as part of regular 'housekeeping':
- To amend references to the 'Procurement Code' to read 'Contract Procedure Rules'.
 - To amend the Financial Procedure Rules to confirm that all expenses must be accompanied by a receipt.

4.0 Financial implications

- 4.1 Some of the proposed changes to the Constitution will impact on financial administration, but there are no actual costs associated with any of the recommendations.

[GE/20102014/C]

5.0 Legal implications

- 5.1 The Council is required by Section 37 of the Local Government Act 2000 to prepare and publish a Constitution which contains its standing orders relating to decision-making, finance and contracts. The Council is also required to keep its Constitution updated.

[RB/21102014/Q]

6.0 Equalities implications

- 6.1 There are no equalities implications arising from this report, as the changes to be made are not a result of any new policy or operational practice.

7.0 Environmental implications

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

8.0 Corporate landlord implications

- 8.1 There are no corporate landlord implications arising from this report.

9.0 Human resources implications

- 9.1 There are no human resources implications arising from this report.

10.0 Schedule of background papers

None.