

Council: 28th July 2021

CONSTITUTION – PROPOSED AMENDMENTS

- EXECUTIVE MEMBER:** Councillor David Moore, Portfolio Holder for Nuclear and Corporate Services (to include Democratic Services).
- LEAD OFFICER:** Sarah Pemberton, Director of Corporate Services and Commercial Strategy.
- REPORT AUTHOR(S):** Clinton Boyce, Solicitor / Sarah Pemberton, Director of Corporate Services and Commercial Strategy.

WHY HAS THIS REPORT COME TO COUNCIL

Report from the Standards and Ethics Committee recommending Council's approval on changes to four parts of the Constitution.

RECOMMENDATIONS:

It is recommended that Council approve:

- (a) The appendices to this report with them coming into effect immediately, and, publication on the Council website as soon after as is practicable.
- (b) In respect of the current Council constitution, the four appendices to this report form part of that constitution, and that the Director of Corporate Resources and Commercial Strategy, in consultation with the Chairs of the Standards and Ethics Committee and Overview & Scrutiny, be authorised to make minor changes to the whole of the current constitution to correct minor discrepancies, etc.

1. INTRODUCTION

- 1.1 Members will recall Council on the 19th November 2019 approving revisions to the Constitution. The agenda to that meeting is available via this link:

<https://copeland.moderngov.co.uk/ieListDocuments.aspx?CId=134&MId=816&Ver=4> ; item C19/50 refers.

- 1.2 That report suggested, and Council approved, a new format of Constitution comprising of seven parts as follows:

Part 1 - Summary & Explanation

Part 2 – Articles of the Constitution

Part 3 – Responsibility for functions and Terms of Reference

Part 4 – Rules of Procedure

Part 5 – Standards of Conduct

Part 6 – Members Allowances Scheme

Part 7 – Structures

- 1.3 This report deals with four documents needed as part of Part 4, Rules of Procedure. They are:

The scheme of delegation (Appendix A);

Budget setting rules (to form part of the Council procedure rules) (Appendix B);

Planning Panel procedure rules (Appendix C); and
Financial Regulations (Appendix D).

- 1.4 The changes are relatively minor.

In respect of the scheme of delegation at Appendix A this has been updated to align with new structures, job titles and job roles. There are no substantive changes to the delegations.

In respect of the budget setting rules at Appendix B these offer clarity on the procedure for setting the budget which caused confusion and unintended issues this year at Council Budget meeting. It sets out a step by step procedure for alternative budget proposals to be brought forward.

With regard to the Planning Panel procedures rules at Appendix C this consolidates all the provisions relating to that Panel. This Appendix was considered by the Panel at its meeting on the 14th April. Again there are no real substantive changes to those procedures. There has been conflict in what Council last agreed – one part said that speakers could speak

when a minded to make decision returns to the Panel; another part said that they could not. This is now amended to remove ambiguity and will allow them to speak.

The standards and Ethics Committee have recommended that the quorum for Planning Panel be increased from three to five.

Finally, in respect of financial regulations, these are mainly alignment and updating. There is one substantive change regarding the acceptance into budget of external funds. Some large sums of monies have been received from central government in the last 12 months and due to being above pre-approved transactional limits have required approval of Council to receive funds into budget. As meetings of Council are irregular, urgent action has been required. To avoid risk of delays and any unintended non-compliance, it is proposed that the new bands and/or upper limits for accepting money are:

- (a) external funding up to £20,000 – relevant Chief Officer in consultation with the s.151 officer and relevant portfolio holder;
- (b) external funding from between £20,000 - £75,000 –head of paid service in consultation with the s.151 officer;
- (c) external funding between £75,001 - £150,000 – head of paid service in consultation s.151 officer with the relevant portfolio holder;
- (d) external funding between £150,001- £250,000 Executive;
- (e) external funding £250,001 - £500,000 the Chief Executive with the consent of the s.151 Officer, the Mayor and the Chair of the Overview and Scrutiny Committee (Chair of latter may refer matter to full Committee for a view; if any consent is not given then decision to accept lies with Council); and
- (f) external funding above £500,000 – Full Council.

The current level for referral to full Council is £250,000. This proposal effectively allows members' view to feed in via the OSC Chair or the OS Committee. It will speed up process but still allow Members to have a

say either through (i) exercising call in or (ii) through the OSC Chair withholding consent.

- 1.5 It was intended that the constitution be reviewed as a whole and published when all work undertaken and completed. The changes approved by Council in 2019, largely relating to format and layout, have not been adopted as they were co-dependent on the remainder of constitution parts 3 through to part 7 also being completed; inevitable delays have occurred due to the Covid-19 response by officers.
- 1.6 The Standards and Ethics Committee reviewed these changes at their meeting on 20th June and agreed to recommend these changes to Council for approval.
- 1.7 The Standards and Ethics Committee also agreed that with an announcement on Local Government Reform (LGR) expected imminently, implementing a new, revised constitution at this time was no longer necessary.

2. CONCLUSION

- 2.1 The current constitution still holds good and remains fit for purpose.
- 2.2 Adoption of Council approved amendments (November and December 2019) are published along with, and following, suggested amendments to the areas outlined in 1.3 and 1.4, and shown as detail in attached appendices, and subject to Full Council approval.
- 2.3 In the event that there may be some minor discrepancies (not covered in 2.2) between the various chapters, it is recommended that the Director of Corporate Resources and Commercial Strategy is authorised to align and correct them in consultation with the Chair of Standards and Ethics Committee and Chair of Overview & Scrutiny.
- 2.4 Given the possibility of local government re-organisation (LGR), it is proposed that any further work to the constitution, beyond those amendments already suggested, be held in abeyance until the outcome of the current LGR process is known. If LGR does proceed attention will turn to the inaugural constitution of the new/shadow authority.

3. STATUTORY OFFICER COMMENTS:

- 3.1 Legal Comments: Solicitor is report author.
- 3.2 Monitoring Officer: Any legal issues have been addressed in the four appendices.
- 3.3 Section 151 Officer: No financial issues arise from the report. The new financial regulations bring the document up to date.
- 3.4 Other comments: None.
- 3.5 EIA Comments: No equality issues arise from this report.
- 3.6 Policy Framework: No issues arise from this report.

Appendices:

- A The scheme of delegation;
- B Budget setting;
- C Planning Panel procedure rules; and
- D Financial Regulations.

Background information:

Current Council constitution.