

Part 1	ITEM NO.
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REPORT OF THE CITY SOLICITOR

TO
FULL COUNCIL
ON
WEDNESDAY 20 NOVEMBER 2019.

TITLE: AMENDMENTS TO THE COUNCIL CONSTITUTION

RECOMMENDATION:

Full Council is asked to approve the proposed changes to the Councils Constitution as detailed in the report.

EXECUTIVE SUMMARY:

To enable members to consider proposed amendments to Salford City Council's Constitution as detailed in this report, proposed amendments are in red on the attached copy of the Constitution.

A copy of the Councils Constitution is attached for reference, the proposed changes are typed in red.

The revised changes to the Constitution were submitted to the Standards Committee for comment, prior to submission to Full Council on Wednesday 20 November for approval.

BACKGROUND DOCUMENTS: Salford City Council Constitution
(Available for public inspection on the web site)

KEY DECISION: NO (the decision is not a key decision because it is to be taken by Full Council)

DETAILS:

1. Over the last twelve months, certain constitutional changes have occurred. Therefore the constitution has been amended in relation to the following matters.

Please note the page numbers detailed below refer to the Constitution and not the page numbers of the Council agenda pack.

Article 6 – Overview and Scrutiny Committees (page 23)

6.2 (d) made clear that non-key decisions of officers cannot be called-in.

Article 9 - Standards Committee (page 34)

This aspect of the Constitution has been updated to reflect changes to the committee in regards to Independent Person(s) and co-opted independent Members.

Article 12 – Officers (page 42)

The functions of the Monitoring Officer have been updated to ensure that appropriate powers and duties have been included.

Section B – Responsibility for Executive Functions (from page 65)

- The inclusion of a summary of the Executive functions to be discharged by chief officers.
- Revised terms of reference for the Property and Regeneration Panel.

Section C – Responsibility of Non-Executive Functions (from page 69 to 92)

This aspect of the Constitution has been updated to reflect changes to:

- Planning and Transportation Regulatory Panel (page 70);
- Licensing and Safety Regulatory Panel (page 77);
- Electoral Matters Committee (page 85) ;
- Audit and Accounts Committee (page 87);
- Workforce Panel (page 91).

Section F – Delegation of Non-Executive Functions to Chief Officers

Monitoring Officer:

- The inclusion that the Monitoring Officer being the Senior Information Risk Officer (page 113).

- Inclusion of appropriate settlement powers (page 115)

Strategic Director Place (Page 119)

- The inclusion of the relevant Lead Member to be consulted in regard to highways (page 121).
- The inclusion of powers for: objections and representations in respect of the proposed granting of licences under section 115E of the Highways Act 1980 (page 124).

Section A – Council Procedure Rules (Standing Orders) (page 134)

Introducing a speaking time limit for members of the public supplementary questions/comments (page 149 14.5 d & f).

Please note that the initial proposal has been amended to reflect agreements at the Council Agenda Group

Part 4 Section C – Budget and Policy Framework (page 181)

The procedures rules have been updated to reflect changes.

Part 4 Section E – Officer Employment Rules (page 208) – pending revisions from Legal Services/HR

These are presently pending proposed changes to the procedure rules and will now be submitted to Full Council in January 2020 for approval.

Part 5 Section B – Scope for Contract Procurement Rules (page 269)

The guide to the procurement contract rules has been revised to reflect changes.

Part 6 Section A – Code of Conduct for Members (page 290)

This aspect of the Constitution has been updated to include provisions relating to:

- Attendance (page 292);
- Arrears with their Council Tax payments (page 296);
- Non participation in case of prejudicial interest (page 304).

Part 6 Section B - Planning Protocol for Members and Officers (page 311)

The protocol has been revised to reflect changes.

Part 6 Section D - Members/City Mayor/Officers Relations Protocol (page 334)

The protocol has been revised to include the City Mayor.

Part 7 – Members Allowance Scheme (page 341)

The scheme has been updated to reflect changes to members travel guidelines (page 344)

Part 8 - Indemnity Policy (page 348)

Inclusion of the actual policy in the Constitution

Part 9 - New Officer Structure (page 353)

A revised structure has been included.

KEY COUNCIL POLICIES:

EQUALITY IMPACT ASSESSMENT AND IMPLICATIONS: - A Customer Impact Assessment is not necessary because no vulnerable group is considered likely to be affected by the decisions recommended in the report.

ASSESSMENT OF RISK: Low

Amending the scheme of delegations, as recommended in the report, will reduce the risk of successful challenge to decisions taken under delegated powers.

SOURCE OF FUNDING: Not applicable

LEGAL IMPLICATIONS: Obtained from the Shared Legal Service.
The legal implications are set out in the report.

FINANCIAL IMPLICATIONS: Not applicable

HR IMPLICATIONS: Not applicable

PROCUREMENT IMPLICATIONS: Not applicable

OTHER DIRECTORATES CONSULTED: Not applicable

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WARD(S) TO WHICH REPORT RELATE(S): Not applicable