

CONSTITUTION UPDATE AND GOVERNANCE MATTERS
WDA/13/23

Recommendation

It is recommended that:

1. Members adopt the Scheme of Delegation for the 2023/24 Municipal Year, attached Appendix 1;
2. Members agree to adopt the revised Constitution accordingly.

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CONSTITUTION UPDATE AND GOVERNANCE MATTERS

Report of the Monitoring Officer

1. Purpose of the Report

- 1.1 To recommend that Members adopt the Scheme of Delegation for the 2023/24 Municipal Year (Appendix 1).
- 1.2 To seek Members' agreement to adopt the Constitution accordingly.

2. Background

- 2.1 At the commencement of a new municipal year, it is appropriate for the Constitution to be updated and adopted by the Authority. The Monitoring Officer is responsible for ensuring that the Constitution for the Authority is up to date, relevant and effective. Any proposed changes to the Constitution are subject to Member approval.
- 2.2 The Constitution comprises a set of documents which define the Authority's governance arrangements. This includes:
 - Scheme of Delegation (Article 1)
 - Authority Procedural Rules (Article 2)
 - Financial Procedural Rules (Article 3)
 - Contract Procedural Rules (Article 4)
 - Information Procedural Rules (Article 5)
 - Protocol for Reporting at Meetings (Article 6)
 - Code of Conduct for Members (Article 7)
 - Code of Conduct for Employees (Article 8)
 - Member / Officer Protocol (Article 9)
- 2.3 Rule 3.2(vi) of the Authority Procedural Rules requires the Authority to adopt its Scheme of Delegation at its Annual Meeting each year.

3. Constitution Updates

Scheme of Delegation

- 3.1 The Scheme of Delegation describes the Authority's decision-making process and defines three levels of decisions as follows:
- **Key Decisions** are decisions having a significant financial or community impact as defined in the Authority Procedural Rules, or if the Chief Executive is of the view that a decision should be a Key Decision.
 - Key Decisions cannot be delegated except under urgent action in line with the Authority Procedural Rules.
 - **Executive Decisions** and **Administrative Decisions** are decisions which can be delegated to officers subject to the limitations defined in the Scheme of Delegation.
- 3.4 There are no amendments proposed to the existing Scheme of Delegation. Members are therefore asked to adopt the existing Scheme of Delegation attached at Appendix 1 in accordance with Rule 3.2 (vi) of the Authority Procedural Rules.
- 3.8 There are no further proposed changes to the Authority's Constitution at this time.

4 Risk Implications

- 4.1 The following risk analysis had been undertaken in relation to this report:

Identified Risk	Likelihood Rating	Consequence Rating	Risk Value	Mitigation
Delegation of decisions not proportionate to levels of responsibility.	1	5	5	Scheme of Delegation defines scope and limitations for taking delegated decisions.
Members and officers not aware of levels of delegation.	2	4	8	Adoption and review of Scheme each year. Constitution included in training and induction programmes.

Updated rules not disseminated.	2	3	6	The revised Constitution will be published on the Authority's website.
Procedures for procurement are not aligned with the latest legislation.	2	3	6	Legal advice sought to ensure procedures are up to date.

5 HR Implications

5.1 There are no HR implications associated with this report.

6 Legal Implications

6.1 There are no legal implications associated with this report.

7 Environmental Implications

7.1 There are no environmental implications associated with this report.

8 Financial Implications

8.1 There are no financial implications associated with this report.

9 Conclusion

9.1 Members are asked to;

- i) approve the recommendation to adopt of the Scheme of Delegation (attached at Appendix 1) for the 2023/24 Municipal Year;
- ii) adopt the revised Constitution accordingly.

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The background documents to this report are open to inspection in accordance with Section 100D of The Local Government Act 1972 - Nil.