
CONSTITUTION

Responsible Cabinet Member – Leader

Responsible Director - Paul Wildsmith, Director of Resources

SUMMARY REPORT

Purpose of the Report

1. To seek Members' approval for the revised Constitution incorporating in year changes and seeking approval for minor changes to Contracts Procedure Rules and the scheme of delegation.

Summary

2. The Council reviews the Constitution annually. There have been a number of changes during the last year, which have resulted from decisions which have already been made individually by Council or Cabinet as appropriate and therefore do not require individual decisions. The revisions include the changes to the Scheme of Delegation which were approved in November 2010 as a result of the Council restructure.
3. Following the implementation of the structure a further review of delegation has taken place by the officers coming into post. This has led to a number of refinements to the scheme agreed in November. In addition, there some minor changes to the Contract Procedure Rules. These are detailed in the report and a revised copy of the scheme and the Contract Procedure Rules with the changes marked in bold is available to members. This report seeks Members' approval for those revisions.
4. Following the elections on the 5th May the new Council was established with its revised membership. The decision taken by the Council at the Special Meeting in November 2010 has taken effect. The Council now has a Cabinet and Leader model in accordance with the requirements of the Local Government and Public Involvement with Health Act 2007 (The 2007 Act).
5. A new Leader was elected at the Annual Council meeting on 19th May. The Leader has proposed a revised Cabinet membership of 8 members including the Leader himself. He has also decided changes to the portfolios of the Cabinet Members to better reflect the Council's Sustainable Community Strategy and the changes to the Council's management structure which took place earlier this year. These changes have resulted in changes to the Constitution and these are reflected in the Constitution submitted to members for approval.

Recommendation

6. It is recommended that Members:
- (a) Approve the proposed changes to the Contract Procedure Rules, and Scheme of Delegation.
 - (b) Approve the revised Constitution.

Reasons

7. The recommendation is supported to ensure that the Council has an up to date and complete record of its decision making processes which is available to Members and the public.

Paul Wildsmith
Director of Resources

Background Papers

No Background papers were used in the preparation of this report.

Cath Whitehead: Extension 2306

S17 Crime and Disorder	There are no implications for the Council's s17 duty in this report
Health and Well Being	This report has no impact on the health and wellbeing of any individual
Sustainability	This report seeks to reduce the overall size and number of pages of the Constitution, it otherwise has no impact on sustainability.
Diversity	This report does not have any implications for our duties in relation to race, gender and disability
Wards Affected	This report affects all wards equally
Groups Affected	This report affects all groups equally
Budget and Policy Framework	This report does not affect the Council's budget and policy framework. The Constitution requires approval by full Council.
Key Decision	This is not an executive decision
Urgent Decision	This is not an executive decision
One Darlington: Perfectly Placed	The revisions are designed to make the Constitution more accessible and therefore to assist those who wish to influence Council decision making in accordance with target NI4
Efficiency	This report does not have any direct impact on efficiencies

MAIN REPORT

Background

8. Every year the Council updates the Constitution and changes made during the year are incorporated at that time, together with any additional changes were are considered necessary.
9. It is intended that the Constitution this year will be produced in a A5 format for officers for a fee of £10 and available electronically for Members to access via a link to their desktop.

New Political Arrangements (Leader and Cabinet)

10. Part 3 of the 2007 Act has revised the Local Government Act 2000 (2000 Act) provisions and introduced new executive arrangements requirements.
11. The 2007 Act now allows for only two specific executive models:
 - (a) Directly elected Mayor and cabinet, or
 - (b) Council Leader and cabinet
12. The Mayor and Cabinet model remains the same as that introduced by the 2000 Act. In Darlington the old style Leader and Cabinet form of arrangements had to change to a new style Leader and Cabinet arrangement. As the Council held a referendum in 2007 which rejected the mayoral option the only option was the new style Leader and Cabinet. The characteristics of the new model are as follows. The model is now in operation.
 - (a) Leader appointed by the Council every four years
 - (b) Council adopted a procedure which allows the removal of the Leader by Council at any time
 - (c) Leader decides the size of Cabinet and appoints Cabinet and allocates responsibility
 - (d) Leader can make most decisions on his/her own
 - (e) Leader draws up budget and new policies alone or with Cabinet
 - (f) A simple majority of Council is required to reject a proposal from the Leader/Cabinet which is to be decided by Council.
 - (g) Delegations are made by the Leader he can decide to do this with Cabinet.
13. Under the arrangements the new Leader has wide powers to make decisions. He has made decisions to change the number and nature of the Cabinet Portfolios. The new portfolios and the appointments to those portfolios are as follows:
 - (a) **Leader:** Councillor Bill Dixon

In addition to leadership of corporate strategy for the Council, including reputation, legislation, partnerships and policy, the Leader will:
 - (i) Represent the Council on Regional and Tees Valley bodies, including ANEC, and Tees Valley Unlimited
 - (ii) Transformation and Business Model

(iii) International partnerships and town twinning

(iv) Policing and community safety

(b) **Deputy Leader** Councillor Steve Harker

In addition to an assigned functional portfolio the Deputy Leader will assist the Leader with his responsibilities including deputising in his absence.

(c) **Efficiency and Resources** - Councillor Steve Harker

(i) Financial Management within the council including Medium Term Financial (MTFP), Treasury management, local taxation and Risk management and Insurance

(ii) Oversight of Transformation and Business Model implementation

(iii) Oversight of the Council Corporate Planning process including the Organisational Development Strategy (ODS), Performance management and the efficiency programme

(iv) Property management

(v) Information Communication Technology (ICT)

(vi) Human Resources

(vii) Oversight of the Building Services division

(viii) The Council's Customer Strategy and oversight of the Council's Customer Services and insight functions

(ix) Legal/Democratic/Registrars

(x) Oversight of the Councils Shared Services Partnership Xentrall

(xi) Oversight of the capital projects management

(d) **Children and Young People** Councillor Cyndi Hughes

(i) Education (schools and 16-18 commissioning)

(ii) Adult and Community Learning

(iii) Youth Service and Connexions

(iv) Children's safeguarding

(v) Looked after children (including fostering and adoption)

(vi) Family support

(vii) Youth offending service

(e) **Adult Social Care and Housing** – Councillor Veronica Copeland

(i) Older People including GOLD

- (ii) Mental health
- (iii) Disability
- (iv) Supporting people
- (v) Residential care
- (vi) Housing services

(f) **Health and Partnerships** - Councillor Andy Scott

- (i) LSP and theme groups
- (ii) Public Health
- (iii) Integrated health commissioning
- (iv) NHS
- (v) Welfare rights
- (vi) Equalities
- (vii) Community development/Darlington Together
- (viii) Decision making on applications for Community grants, subject to existing criteria
- (ix) Voluntary sector

(g) **Economy and Regeneration** - Councillor Chris McEwan

(i) **'Place' Strategy, Policy and Performance**

- a) Planning and Related Policy
- b) Economy and Housing Policy
- c) Environment, Urban Design, Heritage, Sustainability and Climate Change Policy

(ii) **Regulatory Services:**

- a) Development Management (Local Planning Authority matters – except where delegated to Planning Applications Committee)
- b) Environmental Health
- c) Private Sector Housing
- d) Building Control
- e) Licensing of premises (except where delegated to Licensing Committee)
- f) Trading Standards
- g) Co-ordination of the Council's responsibilities under the Floods and Water Act
- h) Civil Contingencies and Emergency Planning

(iii) **Projects and Programmes for:**

- a) Regeneration and Development
- b) The Economy
- c) Sustainability, Climate Change, Carbon Management, Design and Heritage
- d) Private Sector Housing

(iv) **Economic development and business engagement:**

- a) Employability

- b) Enterprise Coaching
- c) Business Support
- d) Town Centre and Town Centre Management

(h) **Transport Policy** - Councillor David Lyonette

(i) **Highway Authority responsibilities, including:**

- a) Transport and Highways Asset Management (roads, paths, street lighting, traffic signals, signage)
- b) Transport and Highways Network Management and Improvement Schemes
- c) Road Safety

(ii) **Parking**

- a) Supported Bus Services and Concessionary Fares
- b) Hackney carriage and private hire vehicles (except where delegated to Licensing Committee)

(i) **Leisure and Local Environment:** Councillor Nick Wallis

(i) **Local Environment**

- a) Street Scene (refuse/recycling/street cleaning/grounds maintenance)
- b) Crematorium and Cemeteries
- c) Arboriculture
- d) Countryside, Rights of Way and Allotments
- e) Parks and Open Spaces
- f) Street Scene Enforcement
- g) Waste Management
- h) Council's responsibilities for Fire and Rescue Services

(ii) **Leisure and Culture**

- a) Cultural and Leisure Facilities Management
- b) Events and Programming
- c) Sports and Physical Activity Programme
- d) Museum and Archive Services
- e) Arts Management and Development
- f) Library Service
- g) Markets Management

Changes to the Scheme of Delegation

14. The revised Scheme of Delegation to reflect the new management structure was adopted by Council on 25th November 2010. The process of checking and implementing the revised Scheme of Delegation to Officers has resulted in some small changes required to better reflect the changed officer responsibility. The changes do not alter the level of delegation to officers.

Changes to the Contract Procedure Rules

15. The ongoing operation of the Rules results in tweaks to ensure that rules do not provide unnecessary administrative burden or reports to Council to waive the rules. It is recognised that it is not always possible to dovetail contract renewal dates and wider reviews of services and changes that follow from those reviews. As a result where a contract with an existing provider has to be extended for a period of up to a year to allow for a procurement to be undertaken or reviews to be completed, it is necessary for a report to be prepared for a meeting of Council to waive Contract Procedure Rules if the contract does not already provide for the extension. It is proposed that where European rules allow for extensions of 1 year or less a waiver can be granted by the Head of Procurement and the Assistant Director Resources. It is suggested that this exemption is added to the rules at paragraph 18.
16. The Contract Procedure Rules have been amended as follows: -
 - (a) Where the value of a proposed contract is estimated to be above £75,000 but expected to fall below the EU Threshold, in exceptional circumstances, a Director may submit a report to Council requesting that Council waives any requirements within these contract procedure rules, stating the reasons for their request. When considering the option to waive Contract Procedure Rules Officer must liaise with both the CPU and Legal Services. Where a contract extension is required with an existing provider for a period up to 1 year which is not provided for within the contract, these rules can be waived with the agreement of the Assistant Director Resources.

Other Constitutional Changes

17. The management restructure and the changes to portfolio names and any changes to Scrutiny Committees will result in minor name changes to the Constitution. These changes have been made as consequential amendments and are incorporated into the revised version available on the internet.

Outcome of Consultation

18. No consultation was carried out in the production of this report.