

# Constitution Working Group

Folkestone & Hythe DC



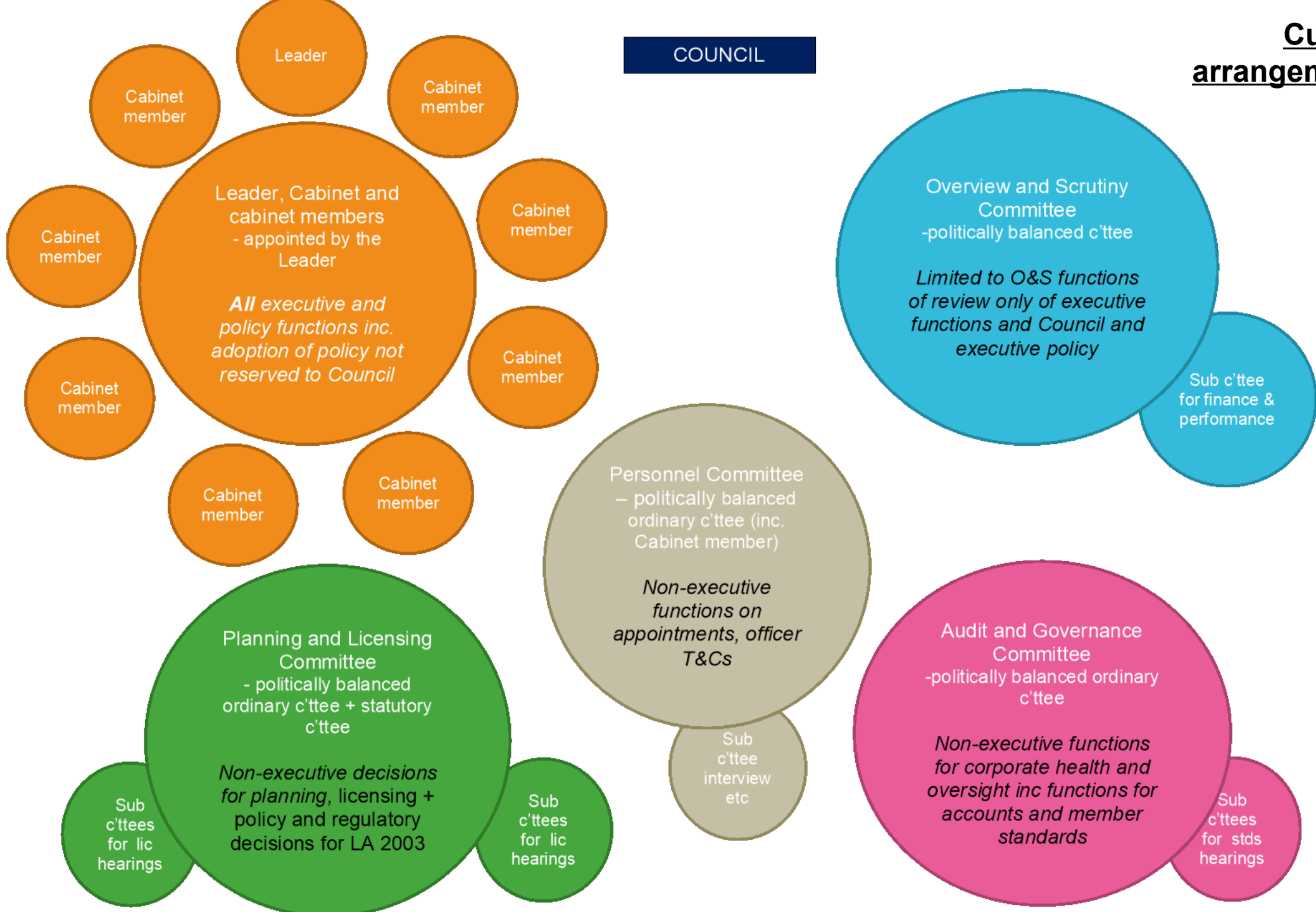
For 24<sup>th</sup> October 2023

# From the last meeting

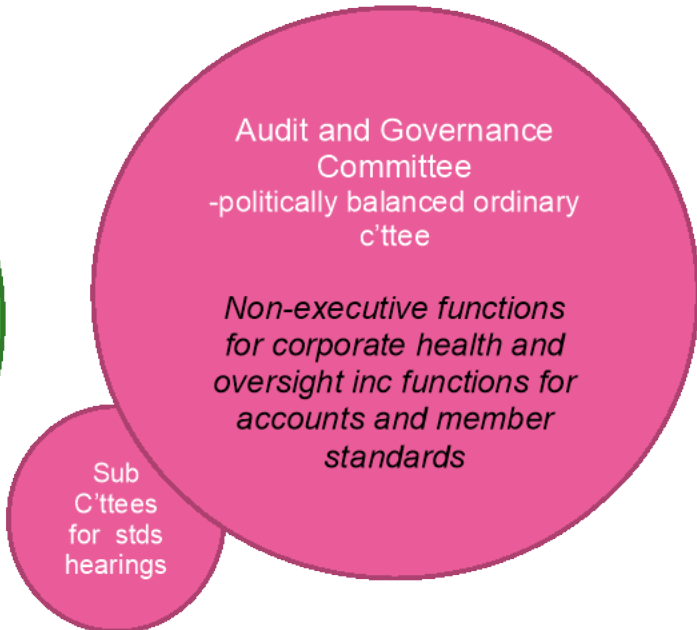
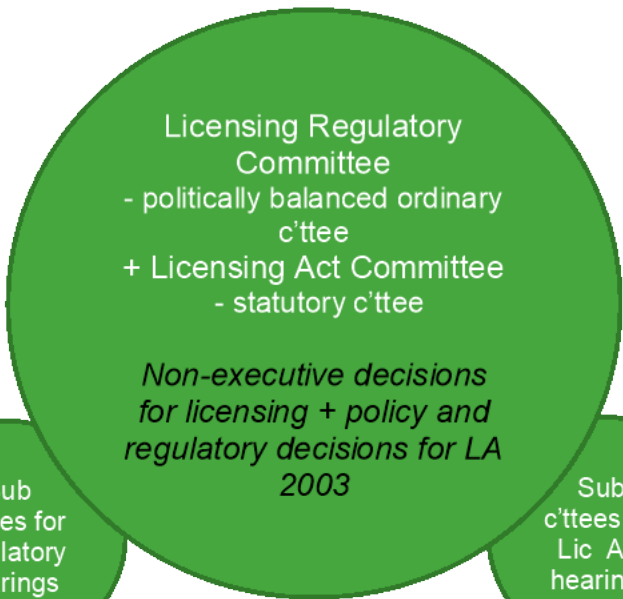
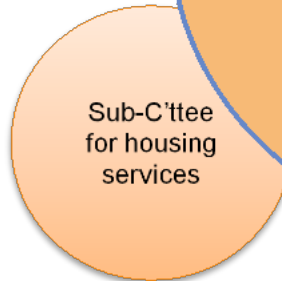
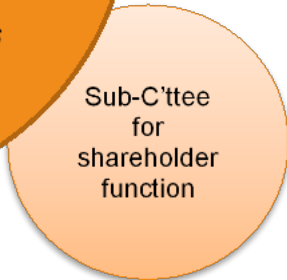
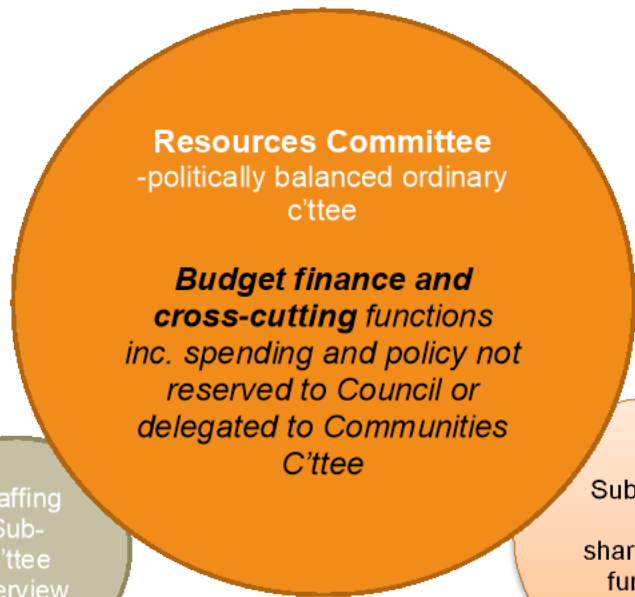
- Two policy committee structure, each of 12, and working title of:
  - Resources Committee – budget, financial decisions above [£?] and all functions either not reserved to council or delegated to -
  - Communities & Environment Committee – discreet delegations to be agreed
- Other committees largely the same but:
  - separate Planning Committee (development control decisions)
  - Licensing Regulatory Committee (ordinary) and Licensing Act Committee (statutory) same members
- No adoption of O&S functions/committee.
- Retain use of key decisions and forward plan
- Scheme of delegation to officers by exception
- A process for members to refer officer key decisions to committee (except urgency).
- A process for rescission (removal of delegation) on key decisions to ‘call in’ a decision made to review and re-take – a safety valve requiring 50% of council members
- Role descriptions for Council spokespersons drafted. Starting point of 9 cabinet portfolios including the leader and deputy leader (as chair and vice chair of Resources Cttee)
- Noted comparator table from then to current

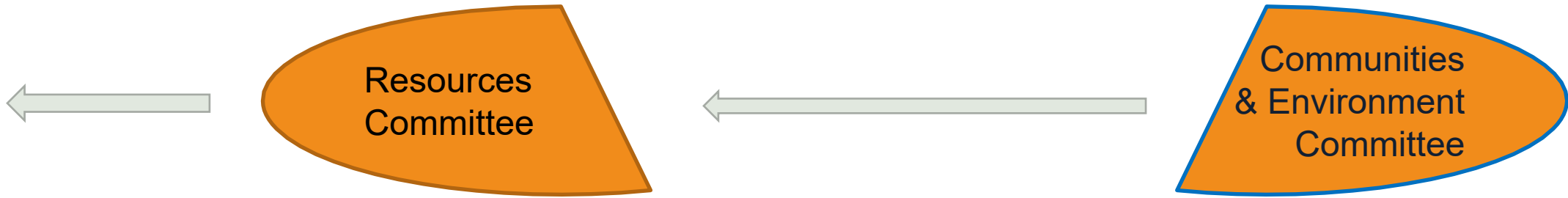


**COUNCIL**



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## Resources Committee

To provide strategic direction to the operation of the Council, including the exercise all functions of the Council not specifically delegated to another committee or reserved to full Council under this scheme of delegation, standing orders or procedure rules.

- To exercise the council's functions in respect of matters which have corporate budgetary or policy implications, as **referred** to it by chief officers or the Communities & Environment Committee, where required to:
  - authorise virements under the Budget and Policy Framework Procedure Rules in excess of £N? (capital) or £N? (revenue).
  - award of contracts in excess of £N?;
  - acquire or dispose of any land of a value in excess of, or likely to exceed, £N?.
- To manage matters concerning companies or limited liability partnerships which are regulated or influenced by the Council, [through the appointment of a Shareholder Sub-Committee,] including matters reserved to the shareholder or partner, financing, contracts and acquisition and disposals.
- To undertake responsibility for emergency planning, in compliance with the emergency plan, and business continuity.
- To establish the framework for human resources policies and procedures, and terms and conditions and, through the appointment of relevant Senior Officer Appointments & Staffing Sub-Committees, to recommend or make appointments and related matters in respect of chief officers, as set out at Part 4(n) of the Constitution, together with oversight of employment policies, terms and conditions.
- To appoint Council representatives or nominees as required

## Communities & Environment Committee

To exercise functions of the Council not specifically reserved to Council or another committee in respect of:

- community leadership, community safety, equalities and community cohesion, neighbourhood and community development, health and wellbeing, including recreational, cultural and sports provision;
- the Council's response to climate change;
- promoting and widening access to services;
- the supply and demand for housing, including the council's landlord functions, housing strategy, private sector housing and homelessness;
- maintenance and improvement of the environment and the health of the community;
- planning policy, regeneration, development and sustainable infrastructure issues, including proposals under the Local Development Framework and associated matters and neighbourhood plans;
- economic development activity including tourism;
- car parking, transport and utility provision;
- provision of public open space, sport, recreation and heritage;
- environmental health and street trading;
- exercising the council's enforcement powers and duties in respect of all statutory provisions which fall within the remit of this committee



# Council/Committee Spokespersons – Possible role description

## 1 Function

A policy Committee may appoint individual Members to take on a specific role to highlight and enhance an area of that Committee or the Council's terms of reference. Spokespersons hold no formal legal position but undertake the role to assist the Leader/Chair and Committee in fulfilling their wider leadership functions.

## 2 Appointment

- (a) The Council or Committee holding the corresponding functions within its terms of reference may by simple resolution appoint a Spokesperson from one of their number.
- (b) The Spokesperson holding a portfolio for a highlighted area may be the Leader/Chair, Vice-Chair or any other member of the Committee but shall be limited to 9 Members in total (including the Chair and Vice-Chair of Resources Committee).
- (c) Where the subject of a Spokesperson covers functions across the terms of reference of more than one Committee, the Committees may jointly appoint the Spokesperson from either of their Committees' number.

## 3 Role

The role of a Spokesperson is to act in support of the Chair (Leader), and on behalf of the Committee and Council, by providing a policy focus for the Council, partners, stakeholders and communities in order to:

- (a) To develop their expertise and knowledge in respect of that highlighted area
- (b) To provide political focus and leadership for that highlighted area within the Committee and Council.
- (c) To lead the development of approaches to policy and operational issues on behalf of the Committee and Council.
- (d) To be the Committee's lead spokesperson and first political point of contact within the Committee and Council.
- (e) Raise the profile of that highlighted area of the Council and Committee's functions, and in conjunction with the relevant Member(s), officers and partner(s), support community engagement activities and other related publicity campaigns;
- (f) Liaise with members, public sector partners and other stakeholders to promote key initiatives (as appropriate and required);
- (g) Act as an advocate for that highlighted area of the Council and Committee's functions and be required to familiarise themselves with related matters;
- (h) Seek out and share best practice from other areas of the UK;
- (i) Periodically present reports to the members of their Committee or other committees (as necessary and requested) setting out the actions taken and how those actions have contributed to the success and promotion of that highlighted area of the Council and Committee's functions;
- (j) Present, as appropriate, research papers and suggest new initiatives and ideas relating to highlighted area of the Council and Committee's functions for consideration by the Committee(s) or Council.

## 4 Do not normally attract SRA





# Officer Scheme of Delegation

- Scheme by exception – decisions are to be taken by officers unless reserved to a committee
- Decisions not reserved to or by a committee or sub-committee are expected to be taken by an officer only where:
  - the proposed decision concerns the award of contract or otherwise materially affects the Council's financial position, by a financial saving or expenditure, of no more than [£N?] (unless the decision has specifically been delegated to the Officer by a Committee or Sub-Committee);
  - the item of business has not been previously requested by a Committee or Sub-Committee or the Chair or Group Spokesperson of a Committee to be referred to a Committee or Sub-Committee;
  - the item of business has not been referred to a Committee or Sub-Committee (as a Key Decisions due to be taken by an officer on the Forward Plan) under the Scheme for Referral; or
  - the officer concerned is not of the opinion that, due to its sensitive or high profile nature, the item of business is to be referred to a Committee or Sub-Committee for determination (but shall not do so if any third party rights would be adversely affected solely as a result of the officer declining to exercise their delegated power).
- Officer Decision Notices published and Key Decisions subject to Rescission Scheme
- Proper Officer list and Leadership Team published in the Constitution
- Departmental Schemes published for further delegation



# Discussion

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24<sup>th</sup> October 2023





