Council	Agenda Item 36
21 October 2010	Brighton & Hove City Council

Subject:		**Consequential Amendments to Procedure Rules in the Constitution**
Date of Meeting:		**21 October 2010 - Council** 28 September 2010 – Governance Committee
Report of:		**Acting Director of Strategy & Governance**
Contact Officer:	**Name:**	**Abraham Ghebre-Ghiorghis Tel: 291500**
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Wards Affected:	**All**	

1. SUMMARY AND POLICY CONTEXT:

1.1 The introduction of Intelligent Commissioning and the changes to the scheme of delegations to Officers means that a number of references in some of the Council's procedure rules need revising. This, in particular is the case with Contract Standing Orders, Financial Regulations and Officer Employment Procedure Rules. This report seeks Council approval to certain technical amendments to bring these procedures in line with the new Officer structure.

2. RECOMMENDATIONS:

2.1 That the Governance Committee recommends to Council the approval of the amendments to the Contract Standing Orders, Financial Regulations and Officer Employment Procedure Rules as shown in Appendices 1, 2 and 3 to this report.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 The existing procedures in part 8 of the Council's constitution make references to Officers by designation, such as "Director" or "Assistant Director." With the introduction of Intelligent Commissioning, these designations will no longer be relevant or appropriate. It is therefore proposed to amend them to reflect the right titles and roles under the new structure.

3.2 Under the Council's constitution, amendments to Council Procure rules (such as the ones covered by this report) are the responsibility of full Council. Although the Monitoring Officer has delegated authority to make consequential amendments to reflect decisions taken by any part of the Council with authority to do so, given the scope and extent of the changes, it is considered more appropriate to bring this to the Governance Committee for recommendation and Council for approval.

4. CONTRACT STANDING ORDERS

4.1. Most of the functions under Contract Standing Orders fall to "Chief Officers " (i.e. Directors) and Assistant Directors, although in practice decisions are taken by other officers under authorisation. The proposed amendments

(shown in Appendix 1) replace the role of Chief Officers by that of Strategic Directors with the Director of Finance and the Lead Commissioner for Adult Social Services being treated as Statutory Directors for this purpose. It then authorises Lead Commissioners, Executive Heads of Delivery Units and Heads of Resource and Finance Units to exercise the powers previously given to Assistant Directors.

4.2 All important and sensitive decisions previously taken by Chief Officers (such as authorising waiver of Standing Orders or authorising variation to contracts) will be reserved to Strategic Directors under the proposals.

4.3 All issues that currently require Member approval or Member consultation will continue to be subject to the same requirement. The amendments are therefore essentially to ensure that the procedures reflect the new officer structure and the correct title.

5. FINANCIAL REGULATIONS

5.1 The amendments shown in Appendix 2 replace Chief Officers (which consist of Directors under the current system) with Strategic Directors and makes some other minor amendments to reflect the correct titles. Strategic Directors will have overall budgetary responsibility for everything within their service area or commissioning scope. Once Intelligent Commissioning is fully implemented, it is likely that the Regulations may have to be revised to reflect the devolved powers that Executive Service Heads will have.

6. OFFICER EMPLOYMENT PROCEDURE RULES.

6.1 The current rules make the appointment of Directors and Assistant Directors on a permanent basis a Member function either in the form of a committee or a sub-committee or by way of a selection panel.

6.2 The revised procedures make the appointment of Strategic Directors, Lead Commissioners and Executive Heads of Delivery Units, Member functions to be exercised by committee, a sub-committee or a selection panel consisting of Members. There is therefore no change in substance. Officer appointments that would have been a Member function will continue to do so. The amendments also reflect the title of the new Strategic Directors.

6.3 As it stands at the moment, the Employment Procedure Rules state that the selection panel should consist of 4 Members. In practice, given the desire to include all political groups, this has never been strictly adhered to with the Members. In order to bring the procedure rules in line with what happens in practice, it is proposed to increase the numbers from 4 to 6 and allocate the seats having regard to the need to include all political groups and, subject to that, to apply the proportionality rules.

7. CONSULTATION

The Leader of the Council, the Chairman of Governance Committee, the Director of Finance, the Head of HR and the Procurement Strategy Manage were consulted and their comments taken into account.

8. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

8.1 There are no financial implications arising directly from this report. The operation of the revised Financial Regulations will be monitored and any issues addressed as part of future revision of the Regulations.

Finance Officer Consulted: Patrick ice *Date: 20.09.10*

Legal Implications:

8.2. There are no legal implications arising from this report

Lawyer Consulted: Abraham Ghebre-Ghiorghis *Date: 17.09.2010*

Equalities Implications:

8.3 There are no adverse equalities implications arising from the scheme of delegations itself.

Sustainability Implications:

8.4 There are no sustainability implications arising from the proposals in the report.

Crime & Disorder Implications:

8.5 None

Risk & Opportunity Management Implications:

8.6 There is unlikely to be any risk associated with the introduction of th revised procedures which are designed to simply reflect the new officer structure and do not involve any change of substance.

Corporate / Citywide Implications:

8.7 The adoption of the revised procedures will more accurately reflect the officer structure and enable the council to proceed with Intelligent Commissioning which will assist the Council in its “Council the City Deserves” initiative.

SUPPORTING DOCUMENTATION

Appendices:

1. Draft revised Contract Standing Orders
2. Draft Financial regulations
3. Draft Officer Employment Procedure Rules

Background Documents

1. Existing council procedure documents available on the Wave.