

CONSTITUTION UPDATE -REVISIONS TO PARTS 1, 2, AND 4

Head of Service/Contact: Amardip Healy, Chief Legal Officer

Urgent Decision?(yes/no)

If yes, reason urgent decision required:

Annexes/Appendices (attached): **Annex 1:** amended Parts 1, 2, and 4 of the Constitution

Other available papers (not attached):

Report summary

This report sets out the recommendations of the Standards Committee regarding proposed changes to Parts 1, 2 and 4 of the Council's Constitution

Recommendation (s)

That Council approve:

- (1) Revisions to Parts 1, 2 and 4 of the Constitution as set out in Annex 1;**
- (2) That authority be delegated to the Monitoring Officer to make any further changes as may be necessary arising out of this report in consultation with the Chairman of Standards Committee.**

1 Implications for the Council's Key Priorities, Service Plans and Sustainable Community Strategy

- 1.1 Good Corporate Governance underpins delivering the Council's Key Priorities.

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2 Background

- 2.1 A comprehensive review of the current Constitution is currently underway to ensure that it complies with all relevant statutory requirements, and its processes and procedures meet the needs for organisational efficiency and achieve good governance.
- 2.2 The Constitution sets out how the Council operates, how decisions are made and the procedures that are followed to ensure business is conducted in an efficient, transparent, and accountable manner. Some of the content of the Constitution is required by law; the remainder is for the Council itself to determine.
- 2.3 The Monitoring Officer has a duty to keep the Constitution under review and has delegated authority to amend the Constitution where there has been a change in law, job title, and structure, rearrangement of job responsibilities or for general administrative convenience. All extensive changes to the Constitution, however, must be approved by Full Council.
- 2.4 The Standards Committee meeting on the 19 November 2019 considered changed to Parts 1, 2, 4 and the Planning Code of Conduct in Part 5. A Working Party has been set up to consider public speaking at Policy Committee Meetings, to allow full consideration of this area, and therefore no changes have been proposed to the current arrangements;
- 2.5 The changes to the Planning Code of Conduct will be brought to the January meeting of full Council.

3 Proposals

- 3.1 The changes agreed by Standards Committee for referral to Council for approval to Parts 1, 2 and 4 are as follows:

Part 1

- renumbering of the Articles;
- the addition of a new Article dealing with the role, remit and appointment of Champions;
- updating cross referencing from changes previously made to other Parts, for example changes to Policy Committees;
- general updating of references to third parties;
- with the publication of the Constitution now on line, the citizens now have easy access, therefore citizens right to 'obtain' a copy has been updated to 'access' a copy.

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Part 2

- Clarity over is included within key roles of Councillors so as to ensure the public are clear on what assistance can be provided;
- Respecting party political policy differences;
- Article 4 has been amended to reflect current mandatory and discretionary requirements. Changes also make it clearer for those matters for which full Council is responsible;
- Article 5 has been amended to make clearer the role and functions the Mayor;
- Article 7 has been amended to reflect the changes to the Policy Committees and clarity around those who are able to sit on the Licensing Sub Committees;
- Article 11 has been updated with the new management structure, and titles;
- Article 13 has been updated to enable an officer to sign and deal documents in addition to the current arrangements of the Mayor signing;
- Article 16 has been rewritten to be in the third person;
- Article 17, following the successful introduction of Champions, this new Article sets out the arrangements for the appointment, role and functions of Champions.

Part 4

- Updates to Council's Standing Orders only: it was felt the Constitution needed to be clear in terms of when an item was a full Council matter and when it fell to be a corporate one. As a result there has been changes which specifically refer to 'full Council' when needed;
- References to Chairman have now been amended to also include references to 'Chair';
- It was also felt the meeting of full Council should have the ability to decide whether a Motion was best debated or referred on to a Committee, and therefore following discussion a change has been introduced to reflect this;

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- Following feedback on amendments to motions, a measure has been introduced to allow a motion proposer to accept amendments without the need for a full Council debate. This step will help in maintaining debate on a motion;
- Following proposed changes to the public speaking at planning committee, CPR2 will be changed to reflect the contents of the Planning Code of Conduct. The current system will continue, until the new Code is adopted;
- CPR10 has been clarified to make it clear that minutes of a meeting will go to the next scheduled meeting of the Committee in question and not any special meeting which may have been called.

4 Financial and Manpower Implications

- 4.1 There are no financial implications for the purposes of this report.
- 4.2 ***Chief Finance Officer's comments: none arising from the contents of this report.***

5 Legal Implications (including implications for matters relating to equality)

- 5.1 Section 37 of the Local Government Act 2000 and the guidance issued under it requires the Council to keep the Constitution up to date and regularly review it. There are no specific equality implications from the proposed amendments.
- 5.2 ***Monitoring Officer's comments:*** It is important to note that the Local Government Act 2000 requires the Council to have and maintain a Constitution. The process of updating the Constitution will ensure it fulfil its stated purpose, as set out in Article 1.

6 Sustainability Policy and Community Safety Implications

- 6.1 There are no implications of the purposes of this report.

7 Partnerships

- 7.1 None.

8 Risk Assessment

- 8.1 The Council needs a sound Constitution that is kept up-to date and fit for purpose. By adhering to the rules and guidance set out in the Constitution, Officers and Members alike protect themselves from risk of challenge.

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9 Conclusion and Recommendations

- 9.1 The changes to the Constitution are being taken in sections and a further review of the whole document will be undertaken when all parts have been individually reviewed. Accordingly, the recommendations in the body to Parts 1, 2 and 4 are commended to Council for approval and adoption.

Ward(s) Affected: (All Wards);