

## Revisions to Constitution

<b>Head of Service/Contact:</b>	Amardip Healy, Chief Legal Officer
<b>Annexes/Appendices (attached):</b>	<b>Annex 1:</b> Amended version of Part 3 of Constitution (tracked changes) <b>Annex 2:</b> Draft Protocol for Managing Member/Officer Relations
<b>Other available papers (not attached):</b>	Report to Council dated 29 April 2014

### Report summary

**Proposed changes to Part 3 and the Protocol for Managing Member/Officer Relations of the Council's Constitution.**

### Recommendation (s)

**That Council:**

- (1) Approve the changes to the Part 3 of the Constitution as set out at Annex1**
- (2) Approve the new Protocol for Managing Member/Officer Relations at Annex 2**
- (3) Subject to recommendations (1) and (2) above, authorise the Monitoring Officer to make all the necessary amendments to the Constitution.**

## **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.

## **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 are 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.

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- 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 This work has started with Part 3 which has been reviewed as a stand alone part.
- 2.5 The Member Officer protocol is found in Part 5 Codes and Protocols, Section C. Work on Part 5 will continue with a reviews of each of the protocols.

### **3 Proposals**

- 3.1 Part 3 of the Constitution deals with the responsibility for functions and were last reviewed in April 2014. It sets out the Council's committee structure, the work and the make-up of its committees, sub committees and advisory panels. It also deals with the scheme of delegation to officers.
- 3.2 The review has resulted in changes in how some of the material is presented. For example the detail of the committee make up and terms of reference are now set out in schedules.
- 3.3 Some of the key changes to Part 3 have consisted of an update of the terms of references across the committee structure. One matter to highlight is the assigning the responsibility for the management of some of the Trusts the Council manages to Strategy & Resources Committee to ensure the Council complies with its duties as Trustee on behalf of the Council.
- 3.4 The Protocol for Managing Member/Officer Relations is designed to set down a general framework for the interaction between the elected and of the officers, in order to seek to ensure that the Members and officers work together effectively and efficiently to conduct the business of the Authority.
- 3.5 The conduct of elected Members is governed by the provisions of the Council's Code of Conduct and the standards regime. The conduct of officers is governed by the provisions of the Officers' Code of Conduct. This Protocol does not replace or affect those Codes; it contains guidance only, relating to the matter of interaction between the elected Members and officers.
- 3.6 It contains interpretation and guidance on some of the issues which commonly arise. It cannot cover every matter which will arise in council life but it reflects an approach and sets standards which will serve as a guide to dealing with other issues. It is intended to guide new members and officers and explain to them what they can expect of each other.

- 3.7 Both councillors and officers are servants of the public and they are indispensable to one another but their responsibilities are distinct. The new Protocol has been drafted to build on current good practices and procedures which were not explicitly set out in the existing Protocol. The proposed changes in approach also better reflects the new senior management team structure and the points and contacts for escalation.

#### **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 for the purposes 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 its Constitution up to date and regularly review it.
- 5.2 There are no specific equality implications from the proposed amendments.
- 5.3 ***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 fulfils its stated purpose, as set out in Article 1.*

#### **6 Sustainability Policy and Community Safety Implications; Partnerships**

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

#### **7 Risk Assessment, Conclusion and Recommendations**

- 7.1 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. Accordingly, the recommendations in the body of the report are commended to the Committee.

**Ward(s) Affected:** (All Wards);