

## CONSTITUTION UPDATE - REVISIONS TO PART 1, 2 AND 4

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

**Annexes/Appendices (attached):** **Annex 1:** Part 1

**Annex 2:** Part 2

**Annex 3:** Part 4

**Other available papers (not attached):**

### Report summary

This report updates and proposes changes to Parts 1, 2 and 4 of the Constitution.

### Recommendation (s)

The Committee is asked to:

- (1) consider the proposed changes to Part 1, 2 and 4 of the Constitution as set out in Annexes 1-3, and
- (2) approve changes to Part 1, 2 and 4 of the Constitution, along with any other changes which may be agreed, to Council.

## 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 meet the needs for organisational efficiency and achieve good governance.

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- 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. 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.
- 2.3 Work started on Part 3 and on the Protocol for Managing Member/Officer relations (in Part 5), which Council approved on the 17 July 2018. Changes to Part 4 were approved by Council in December 2018. As a result of changes to Part 4, an additional Protocol was added to Part 5 (the Protocol and Guidance on recording, photography & use of social media). In April 2019 changes were made to sections of Part 5 with a new Code of Conduct for Members and general updating of other sections within this Part. The Committee were advised that the Model Code of planning practice was under review (Section 8). This review has been completed and is the subject of a separate report on this agenda.

### 3 Proposals

- 3.1 There are a range of changes proposed to Parts 1, 2, and 4 of the Constitution.
- 3.2 Most of the suggested changes are around updating references and titles. The new material is as follows:

#### **Part 1 Summary & Explanation**

General updating

#### **Part 2 Articles of the Constitution**

General updating

Article 4 – role of Council and policy framework

Article 7 – details of Council Committees updated

Article 13 – updating sealing of documents arrangements to allow Authorised Officer to sign as a lone signatory. Members are asked to consider removing the need for a Mayor to sign entirely;

- removed the provision of a printed copy of the Constitution to each Member;

- updated the petition scheme to read in the 3<sup>rd</sup> person.

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Article 17- new Article including the appointment of Champions.

### Part 4 – Rules of Procedure

FCR 16 - Changes to allow the Mayor to ask if the meeting wishes to refer a motion to a Committee;

- Changes to process to allow a proposed amendment to be accepted without debate by the original motion proposer;

- 3.3 Some members have asked for a review over whether questions on agenda items from the public should be permissible. Standing Orders were amended last year to prevent public questions being raised on agenda items. The focus of public questions was directed at those matters which affected the public at large more generally rather than about matters the Council was seeking to make decisions on. The use of question time, was effectively being employed to make general public statements on agenda items. Members are asked to consider if they wish to bring forward any changes to the current standing orders, which can be found at CPR1.

## 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 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 & Partnerships

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

## 7 Risk Assessment

- 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.

## **8 Conclusion and Recommendations**

- 8.1 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 of the report are commended to the Committee. If approved a report will be taken to the next Council meeting seeking approval and adoption of the changes to Parts 1, 2 and 4.

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