

Report of:	Head of Democratic Services – Sylvia Reynolds
AGENDA ITEM	
Submitted to:	Constitution and Members Development Committee – 4 February 2020
Subject	Update - Council Constitution

Summary

Proposed decision(s)
<p>To endorse the proposals to update the Constitution and to recommend as follows:</p> <p>(a) That Council approves the proposed changes to the Constitution as detailed in the report and notes that the Monitoring Officer will, under delegated powers, amend the Constitution accordingly.</p> <p>(b) That the Monitoring Officer, under delegated powers be authorised to amend the Constitution and make any necessary minor textual changes or further adjustments to comply with any subsequent legislative changes, changes to reflect decisions taken by Council and/or Executive and changes which are of typographical/drafting error nature.</p>

Report for:	Key decision:	Confidential:	Can be called-in:
Decision	No	No	No

Contribution to delivery of the 2018-22 Strategic Plan		
Business Imperatives	Physical Regeneration	Social Regeneration
Not applicable	Not applicable	Not applicable

Ward(s) affected
Not applicable

What is the purpose of this report?

1. The Council’s Constitution is subject to an annual review together with any associated documents e.g. Scheme of Delegation, Procedure Rules and protocols to ensure that decisions taken by the Council are lawful and reflect changes in legislation and Council priorities.

Why does this report require a Member decision?

2. The Constitution is a live document, which from time to time requires adjustment to

reflect how the Council operates. Occasionally amendments are needed to reflect changes in policy and legislation whilst others deal with inconsistencies and presentational issues that have no effect on the agreed procedural rules. Other minor amendments are required to deal with the results of new legislation and do not require a change in Council processes. It is sometime since a comprehensive review has been undertaken and therefore a phased review is underway to ensure that the constitution is fully up to date. The Chief Executive has also requested the facility to provide an update to Council meetings.

3. The changes to the Constitution usually fall within three broad areas, which can be described as follows:-

- Alterations made as a result of decisions of either the Council or the Executive.
- Alterations made under the delegated powers given to the Monitoring Officer to deal with changes required as a result of legislative changes.
- Alterations to improve the working of the Council or, to attempt to resolve ambiguities or amend typographical or drafting errors.

4. The following give an indication of the types of changes that are proposed or have been made by the Monitoring Officer acting under delegated powers.

- Changes to incorporate Council / Executive Decisions;
 - Updated Executive Scheme of Delegation has already been incorporated into the Constitution.
- Changes required as a result of legislative changes – there are no changes proposed under this heading for this meeting;
- Changes to Improve the Working of the Council or Remove Ambiguities and Correct Typographic or Drafting Errors:
 - Revised Members Code of Conduct to reflect the recommendations on best practice resulting from the Local Government Ethical Standards Committee Review in relation to Standards in Public Life. A copy of the revised Members Code of Conduct is attached at Appendix A. A copy of the recommendations on best practice is attached at Appendix B;
 - Revised Filming Protocol to reflect the Council's decision to Live-stream Council meetings. A copy of the revised Webcasting, Filming and Recording of Council Meetings Protocol is attached at Appendix C;
 - Inclusion of Role Profiles for Group Leaders to provide clarity and guidance for political group leaders – attached at Appendix D.
 - Revised Financial and Contract Procedure Rules (Standing Orders) – attached at Appendix E.
 - Minor amendments to name of plans/revised officer titles.

What decision(s) are being asked for?

5. That the Constitution and Members Development Committee consider proposals to update the Constitution and that the Committee recommends as follows:

- (a) That Council approves the proposed changes to the Constitution as detailed in the report and notes that the Monitoring Officer will, under delegated powers, amend the Constitution accordingly.
 - (b) That the Monitoring Officer, under delegated powers be authorised to amend the Constitution and make any necessary minor textual changes or further adjustments to comply with any subsequent legislative changes, changes to reflect decisions taken by Council and/or Executive and changes which are of typographical/drafting error nature.
6. A request has been received from the Chief Executive to be given the opportunity to provide an update at each Council meeting and to respond to any questions from Members. Members' views are sought on this proposal.
 7. Members may wish to consider the timing of Council meetings. Is there a desire for the time to remain at 7.00pm or bring the time forward to 6.00pm or 6.30pm.
 8. In order to provide clarity with regard to the voting procedure in respect of the budget, it is proposed that the Constitution be amended as follows:

VOTING

Majority

104. Unless Statute or this Constitution provides otherwise, any matter will be decided by a simple majority of those members present and voting at the time the question was put. In respect of the approval of the Council's annual budget, Council can either adopt the budget (at which point the process stops), or it can object to it (both votes on a simple majority basis);

If the Council objects to the budget, it must go back to the Mayor and Executive for reconsideration;

The Mayor and Executive must reconsider the budget, and may choose to resubmit it:

- in its original form (with reasons why the Mayor and Executive disagree with the objection); or
- in an amended form;

Council must then consider the proposed budget (in whatever form it takes) and may either: **adopt the budget as resubmitted (simple majority vote); or as further amended (two thirds majority).**

Other potential decisions and why these have not been recommended

9. Not applicable

Impact(s) of recommended decision(s)

Legal

10. No impact.

Financial

11. No impact.

Policy Framework

12. Not applicable. The report does not propose an amendment to the policy framework.

Equality and Diversity

13. Not applicable.

Risk

14. If the Council does not have adequate governance processes in place to ensure that it complies with all relevant legislation, it could result in a breach in governance requirements leading to (depending on the seriousness of the breach) fines, reputational damage, government intervention alongside failure to deliver organisational priorities

Actions to be taken to implement the decision(s)

15. Draft a report to Council setting out the proposed changes to the Constitution for consideration by Full Council.