

<b>Report of:</b>	Monitoring Officer	<b>AGENDA ITEM 16</b>
<b>Submitted to:</b>	COUNCIL – 16 JANUARY 2019	
<b>Subject:</b>	Review of the Constitution	

**Summary**

<b>Proposed decision(s)</b>
<ol style="list-style-type: none"> <li>1. Council agrees the reconstitution of the Corporate Parenting Board as a Committee of Council, under the membership and Terms of Reference set out in Appendix 1 to this report, with effect from the new Municipal term;</li> <li>2. Council agrees the minor amendments to the Constitution, set out in Appendix 2, and their inclusion in that document; and</li> <li>3. Council notes the contents of the revised Local Code of Corporate Governance, as set out in Appendix 3 to this report, which was previously agreed by Corporate Affairs and Audit Committee, agrees to their inclusion in the Constitution, and agrees that any future revisions will be considered by Corporate Affairs and Audit Committee and thereafter incorporated in the Constitution without reference to Council.</li> </ol>

<b>Report for:</b>	<b>Key decision:</b>	<b>Confidential:</b>	<b>Is the report urgent?</b>
Decision	No	No.	No.

<b>Contribution to delivery of the 2018-22 Strategic Plan</b>		
<b>Business Imperatives</b>	<b>Physical Regeneration</b>	<b>Social Regeneration</b>
The Monitoring Officer is required to keep the Constitution under regular review, to ensure it is fit for purpose.	An up to date Constitution will ensure appropriate decision-making mechanisms are in place to support Member decisions.	

<b>Ward(s) affected</b>
No Wards are directly affected by this report.

**What is the purpose of this report?**

1. To recommission the Corporate Parenting Board as a Committee of Council; to agree the attached minor amendments to the Constitution; and to note the inclusion of the revised Local Code of Corporate Governance.

**Why does this report require a Member decision?**

2. Substantial or significant amendments to the Constitution are a Member decision, considered via the Constitution and Members' Development Committee before being presented to full Council for a decision.

## **Report Background**

3. This report seeks to deal with the following issues: the recommissioning of the Corporate Parenting Board as a Committee of Council; a tranche of minor amendments to the Constitution; and the substitution of the 2018 Local Code of Corporate Governance into the Constitution.

### ***Corporate Parenting Board***

4. Members may recall that, over the past 15 years or so, the Corporate Parenting Board has variously been constituted as a Committee of Council (with politically balanced membership and defined Terms of Reference, including decision-making powers); an advisory body to the Executive (which was not politically balanced, and had no decision-making powers); and an officer-led group; in 2018 it reverted to being an advisory body to the Executive.
5. Following discussions with the Chair of the Corporate Parenting Board, together with the Executive Director of Children's Services, it is now considered appropriate to reconstitute it as a Committee of Council. To that end, a draft Membership and Terms of Reference document has been produced, and is attached as Appendix 1 to this report.
6. Members are therefore asked to agree the reconstitution of the Corporate Parenting Board as a committee of Council, in accordance with the draft Membership and Terms of Reference, with effect from the new Municipal term. In the event that Council approves the reconstitution of the Board, its details will be included in the Constitution as necessary.

### ***Amendments to the Constitution***

7. Members will find, at Appendix 2, a number of proposed amendments to the Constitution, for approval. These amendments can be categorised as minor administrative amendments to the "Monitoring Officer Protocol", "Statutory Officer Profiles", and "Proper Officer Functions" sections of the Constitution.
8. The amendments can best be described as a 'tidying up' exercise, in that the contents remain almost exclusively the same as at present, subject to minor amendments and clarifications which are evident. It is not considered that any of the amendments are significant, and Council's agreement to the amendments is therefore sought.

### ***Local Code of Corporate Governance***

9. Members will be aware that the Constitution incorporates the Local Code of Corporate Governance; the most recent version of this was agreed by the Corporate Affairs and Audit Committee on 8 February 2018, in line with its Terms of Reference, and compliance was thereafter implemented. It should be noted, however, that whilst the Corporate Affairs and Audit Committee has authority to review the Council's Corporate Governance arrangements, presently Council must agree for any revised arrangements to be incorporated into the Constitution.
10. Council is, therefore, asked to note the contents of the revised Local Code of Corporate Governance, to agree to the inclusion of the most recent version into the Constitution, and agree that any future revisions made by Corporate Affairs and Audit

Committee will be incorporated into the Constitution without further reference to Council.

### **What decisions are being asked for?**

11. It is requested that Council:
  - a) agrees the reconstitution of the Corporate Parenting Board as a Committee of Council, under the membership and Terms of Reference set out in Appendix 1 to this report, with effect from the new Municipal term;
  - b) Council agrees the minor amendments to the Constitution, set out in Appendix 2, and their inclusion in that document; and
  - c) notes the contents of the revised Local Code of Corporate Governance, as set out in Appendix 3 to this report, which was previously agreed by Corporate Affairs and Audit Committee, agrees to their inclusion in the Constitution, and agrees that any future revisions will be considered by Corporate Affairs and Audit Committee and thereafter incorporated in the Constitution without reference to Council.

### **Why is this being recommended?**

12. The Constitution is a living document, which is under constant review. The proposed actions set out above will facilitate the ongoing updating of the Constitution, to ensure its continued fitness for purpose.

### **Other potential decisions and why these have not been recommended**

13. It is open to the Council to determine that the Constitution should remain in its current condition; however, changing circumstances and a continued desire to improve suggests that regular updating is appropriate.

### **Impacts of recommended decisions**

14. The impacts of the decisions will be to ensure a timely review of the Constitution, with such input as the Committee considers appropriate, and for subsequent reports to be presented to the Committee and Council as necessary.

### ***Legal***

15. The continued updating of the Constitution is entirely in line with the duties of the Monitoring Officer, and has no adverse impacts upon the Council; rather, the updating will ensure that the Constitution is as up to date as possible.

### ***Financial***

16. There are no financial implications of the report.

### ***Policy Framework***

17. The Constitution sets the policy framework for the Council. It is therefore imperative that the key document is updated to ensure an up to date policy framework.

## ***Equality and Diversity***

18. There is no adverse impact on protected groups as a result of the proposed recommendations.

## ***Risk***

19. There is no additional risk to the Council as a result of the proposed recommendations.

## **Actions to be taken to implement the decision(s)**

20. The Constitution will be revised in accordance with the decisions of Council, and the reconstituted Corporate Parenting Board will appear as a Committee of Council with effect from the new Municipal term.

## **Background papers**

21. No background papers were used in the preparation of this report

## **Appendices**

Appendix 1 – draft Membership and Terms of Reference for Corporate Parenting Board.

Appendix 2 – amendments to the Monitoring Officer Protocol, Statutory Officer Profiles, and Proper Officer Functions.

Appendix 3 – Local Code of Corporate Governance, agreed by Corporate Affairs and Audit Committee on 8 February 2018.

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