

<b>Report of:</b>	Director of Legal and Governance Services and Monitoring Officer - Charlotte Benjamin
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<b>Submitted to:</b>	Constitution and Members’ Development Committee – 4 March 2022
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<b>Subject</b>	Update - Council Constitution
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**Summary**

<b>Proposed decision(s)</b>
<p>To endorse the proposals to update the Constitution as follows:</p> <p>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>

<b>Report for:</b>	<b>Key decision:</b>	<b>Confidential:</b>	<b>Can be called-in:</b>
Endorsement	No	No	No

<b>Contribution to delivery of the 2021-24 Strategic Plan</b>		
<b>People</b>	<b>Place</b>	<b>Business</b>
<p>The Constitution sets out how the Council operates, how decisions are made and the procedures, which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.</p>		

<b>Ward(s) affected</b>
Not applicable

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

1. The Council’s Constitution is subject to continual 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. This report details proposed amendments to the Constitution.

## **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.
3. Article 4.2 (a) specifies that only Council will have responsibility for adopting, amending and changing the Constitution, apart from the specific delegations to the Monitoring Officer to 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. The role of the Constitution and Members' Development Committee is to consider the proposed amendments and recommend to Council that the proposed changes are incorporated within the Council's Constitution.

### **Background**

4. A phased review of the Constitution is underway to ensure that the Constitution is fully up to date. Some topics were prioritised last year and since then amendments have been made on various topics such as motions, votes of no confidence, voting on appointments, and the Member Code of Conduct has now been refreshed following approval by Council
5. This report seeks the approval of the proposed changes to the Constitution as detailed below and notes that the Monitoring Officer, under delegated powers has authorisation to amend the Constitution in the circumstances outlined in paragraph 3 above.
6. The changes to the Constitution generally fall within three broad areas, which can be described as follows:-
  - a. Alterations made as a result of decisions of either the Council or the Executive.
  - b. Alterations made under the delegated powers given to the Monitoring Officer to deal with changes required as a result of legislative changes.
  - c. Alterations to improve the working of the Council or, to attempt to resolve ambiguities or amend typographical or drafting errors
7. The following amendments to the Council Procedure Rules are proposed under paragraph (c) above.

### **1. Council Procedure Rules**

#### **Recorded vote**

#### **Amendment to Paragraph 65**

If 12 councillors present at the meeting demand it, or if a motion related to a decision with regard to the approval of the annual budget, **the council tax or the issuing of the precept**, the names for and against the motion or amendment or abstaining from voting will be recorded and entered into the minutes. A demand for a recorded vote will override a demand for a secret ballot (which can be used when voting for positions on committees).

## **2. Cancellation of Council Meetings**

**In order to provide clarity it is proposed that the text to be amended to include Once the proper officer has given notice and summons of a meeting**, the Chair, or the Vice Chair in the Chair's absence, (or the Monitoring Officer if they are satisfied that there is no appropriate business to be considered at the meeting), can postpone, re-arrange or cancel a meeting of Council, provided:

- (a) twenty four hours-notice of the cancellation of the meeting is given; and
- (b) that the reason for cancellation is given.

Chairs, or Vice-Chairs in the Chair's absence, of the relevant committee can postpone, re-arrange or cancel meetings of a committee. A meeting of the Council or its committees or sub-committees may not be cancelled or postponed after the meeting has been duly convened.

## **3. Inclusion of Group Leader Role Profiles within the Constitution**

At the Constitution and Members' Development Committee held on 4 February 2020, consideration was given to a draft Group Leader Role Profile, to provide clarity and guidance for political group leaders. Further work to develop the role profile of Group Leaders has been carried out and group leaders contacted for their comments, and the revised role profile is now submitted for endorsement by the Committee for inclusion within the Council's Constitution see appendix 1.

## **4. Replacement of Senior Management Chart**

The attached updated version of the Senior Management Chart should be inserted into the Constitution. (see appendix 2)

## **5. Key Decision Threshold**

In order to provide clarity, the amount of the key decision threshold, £150,000 taking into account the lifetime costs or savings of the project, has been included within the Constitution, for clarification purposes.

### **What decision(s) are being asked for?**

- 8. To endorse the above proposals in readiness for submission full Council approve and update the Constitution as follows:

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

9. That no action be taken in respect of the proposed amendments. This would result in the Constitution becoming out of date and not compliant/compatible with appropriate legislation or standard procedures.

## **Impact(s) of recommended decision(s)**

### ***Legal***

10. As per Section 37(1) of the Local Government Act 2000, a local authority which are operating executive arrangements or alternative arrangements must prepare and keep up to date a document (referred to in the section as their constitution) which contains prescribed information.

The changes suggested within this report are therefore in compliance with the above by way of keeping the constitution up to date.

### ***Financial***

11. There are no budgetary implications.

### ***Policy Framework***

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

### ***Equality and Diversity***

13. There are no equality or diversity impacts.

### ***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. The Monitoring Officer will ensure that the changes outlined within the report are made to the Constitution.