

Report of:	Director of Legal and Governance Services and Monitoring Officer - Charlotte Benjamin
Submitted to:	Constitution and Members Development Committee - 8 October 2021
Subject	Update - Council Constitution

Summary

Proposed decision(s)
That the Committee consider the priorities for future Constitution updates and recommends priority of topics that will form the basis of a future work plan for the Committee.

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

Contribution to delivery of the 2021-24 Strategic Plan		
People	Place	Business
Not applicable	Not applicable	Ensure decision making practices remain relevant and / or can improve openness and transparency.

Ward(s) affected
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.

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. A phased review of the Constitution was 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 approved by Council
4. This report seeks the consideration by for the next set priorities for review and that those priorities are timetabled as a future work programme for the Committee. See appendix 1.
5. 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.
6. However it is also proposed that we consider the physical structure of the constitution and how it is laid out to improve readability and accessibility for elected members and the public.

What decision(s) are being asked for?

7. That the Committee consider the priorities for future Constitution updates and recommends priority of topics that will form the basis of a future work plan for the Committee.

Other potential decisions and why these have not been recommended

7. Not applicable

Impact(s) of recommended decision(s)

Legal

8. No impact.

Financial

9. No impact.

Policy Framework

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

Equality and Diversity

11. There are no equality or diversity specific impact as any changes will affect all elected members equally

Risk

12. 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)

13. Head of Democratic Services will implement the work plan and research appropriate topics for consideration by the Monitoring Officer and the Committee