

Report of:	Director of Legal and Governance Services and Monitoring Officer - Charlotte Benjamin
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Submitted to:	Constitution and Members Development Committee - 10 December 2021
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Subject	Update - Council Constitution
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Summary

Proposed decision(s)
That the Committee agrees to the proposed timetable for the work plan for future Constitution updates and agrees to additional Constitution and Members Development meetings being held to ensure that the work plan can be completed.

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

Contribution to delivery of the 2020-23 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. The changes to the Constitution 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.

The following amendments are proposed under paragraph (c)

1. Council Procedure Rules

Change of the word **must** to **should** in paragraph 76 of Council Procedure Rules

Amendment to Ordinary Motion

An amendment to an ordinary motion ~~must~~ **should** be submitted, in writing, 2 clear working days before the meeting and must be relevant to the motion and will either be:

- (a) to refer the matter to an appropriate body or individual for consideration or reconsideration;
- (b) to leave out words;
- (c) to leave out words and insert or add others; or
- (d) to insert or add words,

as long as the effect of (b) to (d) is not to negate the motion, or introduce a new proposal.

2. Officer Employment Procedure Rules

Change of wording for the Appointment of Head of Paid Service to provide for the appointment to be made by Full Council or by recommendation from the Chief Officer Appointments Committee.

Appointment of Head of Paid Service

(a) The appointment of the Head of Paid Service will be **made directly by Full Council, or by an Appointment Committee. The Appointment Committee will be made up of 7** members nominated annually by the Council and will include the Elected Mayor, Deputy Mayor and the relevant portfolio holder. The appointment of the Head of Paid Service will be approved by the full Council following the recommendations of the Appointment Committee.

(b) The full Council may only approve the appointment of the Head of Paid Service where no well-founded objection has been received from any member of the Executive, within three days of notification of the recommended candidate.

3. Councillor Calls for Action

Insert Procedure and Guidance for Councillor Calls for Action into the Constitution. Appendix 2

4. Following the last meeting of the Constitution and Members Development Committee at which the next set of priorities were agreed this report seeks the agreement on the timetable for each of the priorities to be reviewed by the Committee. See Appendix 1.

5. It is proposed that additional meetings of the Constitution and Members Development Committee are scheduled to ensure that each of the priorities can be reviewed in a timely manner.

What decision(s) are being asked for?

6. That the Committee agrees to the proposed timetable for the work plan for future Constitution updates and agrees to additional Constitution and Members Development meetings being held to ensure that the work plan can be completed.

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. (i) The Democratic Services Officer will schedule additional meetings of the Committee
(ii) Make the necessary changes to the Council Constitution.