

Report to:

COUNCIL

Relevant Officer:

Mark Towers, Director of Governance and Partnerships

Relevant Cabinet Member:

Councillor L Williams, Leader of the Council

Date of Meeting:

30 November 2022

REVIEW OF THE CONSTITUTION

1.0 Purpose of the report:

1.1 The Council will be asked to consider amendments to the Articles of the Council and the Procedural Standing Orders for Council and Committee meetings.

2.0 Recommendation(s):

2.1 To agree to the proposed amendments to the Constitution for the Articles of the Constitution at Appendix 10(a) and the Procedural Standing Orders for Council and Committees at Appendix 10(b).

2.2 To note that a briefing session will be held on Monday 28 November 2022 to explain the changes put forward by the Monitoring Officer and the Working Group.

3.0 Reasons for recommendation(s):

3.1 To bring the constitution up to date and provide more clarity on some issues previously raised at Council meetings.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

Council could leave these parts of the constitution as they are but there are some out dated practices which do need to be updated/ removed. Council could also agree different changes to these parts of the constitution.

4.0 Council Priority:

4.1 The review of the Constitution will help the Council achieve all its priorities.

5.0 Background Information

- 5.1 Under article 16 of the constitution, the Monitoring Officer has a duty to periodically review the Constitution. It states that “A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council and to make recommendations for change...”
- 5.2 To this end a Working Group was formed including elected members who held positions of importance in relation to governance. These included the Deputy Leader of the Council, the Chair of the Audit Committee, the Chair of the Scrutiny Leadership Board and the Chair of the Standards Committee. The Deputy Monitoring Officer also supported this group.
- 5.3 The group has met on two occasions and agreed to adopt a consensual approach to the review, i.e. to only put forward updates and areas where clarity was required and in doing so to only put forward changes where these was unanimous support.
- 5.4 Appendix 10(a) contains the updated articles which are part of the constitution which sets out ‘what’ makes up the constitution and the relevant people and bodies who are involved in the advisory and decision making areas of the Council.
- 5.5 Appendix 10(b) sets out the updated Procedural Standing Orders for Council and committees. These are the ‘how’ relating to the running of the committees and the Council meetings.
- 5.6 The recommended changes in both these appendices are signified by a strike through for a proposed ~~deletion~~ and an underline for an addition. The rationale for these changes is set out in a ‘notes’ box for all the changes at various points in both appendices.
- 5.7 The Working Group has recommended that all members of Council be invited to a briefing on Monday 28th November (via Teams) for 30 minutes where the Group and the Monitoring Officer and Deputy Monitoring Officer will take members through the main changes and be able to ask questions relating to the changes.

List of Appendices:

Appendix 10(a) - Proposed amendments to the Constitution for the Articles of the Constitution

Appendix 10(b) - Procedural Standing Orders for Council and Committees.

6.0 Legal considerations:

- 6.1 Article 16 of the Council’s Constitution (Review and Revision of the Constitution) sets out the duty of the Monitoring Officer to monitor and review the operation of the

Constitution. The Council is required to approve any recommended actions which would consequently amend the Constitution.

7.0 Equalities considerations:

7.1 There are no equalities considerations.

8.0 Financial considerations:

8.1 There are no financial considerations.

9.0 Risk management considerations:

9.1 Regular review of the Constitution ensures that there are clear and transparent processes in place.

10.0 Sustainability, climate change and environmental considerations:

10.1 None

11.0 Internal/ External Consultation undertaken:

11.1 A cross party informal Working Group was formed to input into the Constitution review (see paragraph 5.2).

12.0 Background papers:

12.1 None