



GOVERNANCE COMMITTEE

13 November 2024

Subject Heading:

**CONSTITUTIONAL REVIEW –
FURTHER CHANGES**

ELT Lead:

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Policy context:

A well run Council that delivers for People and Place.

Financial summary:

There are no financial implications arising from this report.

The subject matter of this report deals with the following Council Objectives

People - Things that matter for residents

Place - A great place to live, work and enjoy

Resources - A well run Council that delivers for People and Place. X

SUMMARY

1. Governance Committee (“GC”) is aware that the Council’s constitution is currently being updated on a piecemeal basis.
2. GC has previously considered and approved a range of proposed changes. Further updates are summarised in this paper.

RECOMMENDATIONS

3. GC is asked to consider the revised constitution, as attached to this report and to recommend that it be submitted to Full Council (“FC”) for approval and adoption, subject to consideration of any changes as suggested by GC.

REPORT DETAIL

4. Some constitutional changes, including to the scheme of delegations (the “Scheme”), came into force as of 1 April 2024. It was always anticipated that issues with the revised Scheme would become apparent once the Scheme was in operational use.
5. The Monitoring Officer (“MO”) has been compiling those comments and suggestions and has addressed the following issues within the revised draft.
 - a. The ability to grant lease extensions within both the People & Place directorates has been clarified.
 - b. Consultations. The current Scheme does not include the ability to launch a consultation. This is now included.
 - c. Deputyship. A specific reference to the Localism Act has been added for clarity.
 - d. The statutory roles of Director of Public Health, Director of Adult Social Services and the Director of Children’s Services have been separated out from the Strategic Director roles within the Scheme.
 - e. The ability to approve write offs is specifically for Cabinet rather than Full Council. This was not clear within the previous version of the Constitution.
 - f. The ability to appoint an independent member to Audit Committee has been added.
6. Alongside the further revisions above, the MO has reviewed the constitution from page 1 to page 212 (parts 1-3).
7. Parts 1 and 2 of the constitution contain no real substantive changes. The changes are mainly cosmetic for the sakes of consistency and ease of reading. However, some changes to note are as follows:
 - a. The MO has moved all definitions to the front of the document.

- b. Article 8 has been updated to reflect the new target operating model structure.
 - c. The appendix to Part 2 contains an updated list of the Council's committees and membership thereof.
- 8. Part 3 of the constitution has been updated. The changes to the powers of Full Council ("FC") are largely cosmetic.
 - 9. Some changes have been made to the functions delegated to general council committees. This has been an attempt to reflect what each committee actually does rather than any reallocation of responsibilities by the MO.
 - 10. The Executive functions show numerous changes, reflecting changes made elsewhere. Of particular note is the increase in threshold for contract awards, now being £2m for Cabinet rather than £1m.
 - 11. The disposal of surplus property protocol has been significantly revised.

IMPLICATIONS AND RISKS

Equalities implications and Risks

- 12. None.

Legal implications and Risks

- 13. A key role for GC is to be aware of the strengths and weaknesses of the constitution adopted by the Council and to make recommendations for ways in which it could be amended, in order better to achieve the purposes set out in Article 1, including setting the framework within which the Council operates, enabling the Council to provide clear leadership to the community and providing an effective means of holding decision-makers to public account.
- 14. Changes to the constitution will be approved by FC only after consideration of the proposals by GC.
- 15. It is the MO's responsibility to maintain an up-to-date version of the constitution and ensure that it is widely available for consultation by members, staff and the public. The proposals set in the report are intended to meet these requirements.

Financial implications and risks:

- 16. There are no financial implications arising from the contents of this report.

Human Resources implications and risks:

Governance Committee, 21 March 2024

17. The recommendations made in this report do not give rise to any identifiable HR risks or implications that would affect either the Council or its workforce.

Environmental and climate change implications and risks

18. None.

BACKGROUND PAPERS

Governance Committee reports and decisions from 26 September 2023 and 24 March 2024.

A live version of the updated Constitution can be found here:

<https://onesourceict.sharepoint.com/:f:/r/sites/ConstitutionReview95/Shared%20Documents/General/Review%20documents%202024-09-27?csf=1&web=1&e=fQ8UpF>

Comments and / or proposed changes can be made directly on to the document.