

Report for: COUNCIL

Date of Meeting: 30 September 2021

Subject: Constitution update

Responsible Officer: Hugh Peart, Director of Legal and Governance Services

Exempt: No

Wards affected: All

Enclosures: Appendix 1 – Proposed amendments to the constitution - Summary and Explanation, Articles, Terms of Reference of Committees, and Officer Delegations.

Section 1 – Summary and Recommendations

The constitution has been reviewed to take out duplication and to update it due to changes in legislation.

Recommendations:

Council is requested to:

- Agree the amendments to the constitution set out in Appendix 1 to this report.
- To note that the Monitoring Officer has a delegation to make minor housekeeping amendments prior to the new document being published.

Section 2 – Report

Under Section 37 of the Local Government Act 2000, the Council is required to prepare and keep up to date a document, referred to as the Constitution. In common with most authorities, the Council's current Constitution:

- Sets out in summary how the Council operates and how decisions are made;
- Contains a number of "Constitution Documents"; and
- Lists certain other governance documents, which "support the constitution but do not form part of it".

The current version of the Constitution needs to be reviewed as it has not had a complete review for a number of years. To address these issues, the Deputy Monitoring Officer and the project team reviewed the legislation, guidance and good practice on Constitutions and have suggested a complete review of the Constitution to be monitored and reviewed by a cross-party Members Constitutional Review Working Group and then to be approved by Council.

This report outlines Part 1 of the review which includes:

Summary and Explanation, Articles, Officer Delegations, Allocation of Responsibilities and Terms of Reference. This will be followed with a further report that will cover the Procedure Rules and Access to Information Rules. The updated constitution will not come into force until after the November Council meeting.

Current situation

A cross-party Members Constitution Working Party has led on the review of the Constitution. It has been supported by the Constitutional Review Project Team led by the Deputy Monitoring Officer. There has been engagement with Political Party Groups and the documentation has been made available in a shared folder.

The Articles have been reduced from 16 to 7. The current constitution has a lot of duplication between the articles and delegation to officers or the terms of reference of committees. Removal of this duplication has enabled the number of Articles to be reduced enabling the document to be easier to read and navigate.

The appointment of the Deputy Mayor has been updated to reflect legislative requirements that the appointment is made by the Mayor and is to be noted by Council.

The definition of a Chief Officer has been clarified.

Legal Implications

Under Section 37 of the Local Government Act 2000 the Council is required to prepare and keep up to date a document, referred to as the Constitution, which contains as a minimum:

- (i) The Council's Standing Orders;
- (ii) The Council's Code of Conduct for Members; and
- (iii) Such other information as the Secretary of State directs – under the Local Government Act 2000 (Constitutions)(England) Direction 2000 this information includes the membership, terms of reference and functions of the Council's Committees and Sub-Committees, and any rules governing the conduct and proceedings of those Committees and Sub-Committees.

Financial Implications

There are no financial implications arising as a result of the changes outlined in this report.

Risk Management Implications

Risks included on corporate or directorate risk register? **No**

Separate risk register in place? **No**

The relevant risks contained in the register are attached/summarised below. n/a

The following key risks should be taken into account when agreeing the recommendations in this report:

Risk Description	Mitigations	RAG Status
The revised document does not meet the minimum legal requirements under Section 37 of the Local Government Act 2000	<ul style="list-style-type: none">▪ This has been checked by the Deputy Monitoring officer and confirms compliance▪	Green
Failure to keep the Constitution up to date leads to unlawful decision making	<ul style="list-style-type: none">▪ Current review process▪▪	Green

Equalities implications / Public Sector Equality Duty

Removing duplication from the constitution will have a positive equalities impact as this will enable the public, officers and Members to navigate the document more easily and to make it easier to read.

Council Priorities

Good governance arrangements ensure that the Council can focus on its priorities.

Section 3 - Statutory Officer Clearance

Statutory Officer:

Signed on behalf of the Chief Financial Officer

Sharon Daniels

Date: 6 September 2021

Statutory Officer:

Signed on behalf of the Monitoring Officer

Caroline Eccles

Date: 21 September 2021

Chief Officer: Hugh Peart
Signed by the Monitoring Officer

Date: 21 September 2021

Mandatory Checks

Ward Councillors notified: NO

Section 4 - Contact Details and Background Papers

Contact: Jessica Farmer Head of Legal and Deputy Monitoring Officer, 0208 424 1889.

Background Papers:

Constitution