

**Report To:** Corporate Governance Committee

**Date of Meeting:** 15<sup>th</sup> June 2016

**Lead Member / Officer:** Gary Williams, Monitoring Officer/Head of Legal, HR and Democratic Services.

**Report Author:** Lisa Jones/Gary Williams

**Title:** Council Constitution

**1. What is the report about?**

1.1 To provide the Committee with a copy of the draft Constitution for comments and observations in advance of presenting this to the Full Council at its July meeting.

**2. What is the reason for making this report?**

2.1 The Corporate Governance Committee terms of reference require any intended changes to the Council Constitution to be considered first before formal adoption by the Full Council.

**3. What are the Recommendations?**

3.1 That the Corporate Governance Committee consider the draft Constitution attached as Appendix 1 and recommend its adoption to Council.

**4. Report details.**

4.1 Members of the Committee will recall a number of previous reports which considered proposed amendments to the Articles of the Constitution, proposals regarding the delegation of decision making to Cabinet members (in respect of non key decisions) and amendments to the Officer Employment Rules and Member remuneration; the updated Officer Scheme of Delegation reflecting the changed senior officer restructure and the Protocol on Member/Officer Relations.

4.2 Over the past twelve months, the Constitution Working Group consisting of cross party representation having been meeting to consider the proposed changes; prior to the Monitoring Officer reporting each step of progress to this Committee. A number of areas were debated including greater transparency and advance notice of decision making by either a Member or Senior Officer, in respect of certain decisions they were about to make under delegated powers; whether members of the public should be able to put questions to the Cabinet or full council; limits on the timing of a meeting; the Chair signing off all legal documents under seal; substitutes on committees and amending the protocol on member officer relations.

4.3 A Member workshop was also held on the 1<sup>st</sup> March 2016 in order to introduce the wider membership to the proposed new Constitution.

4.4 The document is attached as Appendix 1 and Member's attention is drawn to the following changes:

- Extended Definition section.
- Section 3 sets out how members of the public can get information and get involved
- Section 4 Updated Policy framework
- Section 9 - Lists all the regulatory and other committees, including the Joint Committees.
- Section 11 – sets out who are the statutory 'Proper' Officers of the Council and their functions and areas of responsibility.
- Section 12 – Finance, Contracts and Legal Matters and removing the requirement for the Chair of the Council to sign each and every contract or property transaction made under seal.
- Section 13 sets out the revised Cabinet Member Scheme of Delegation and a revised Officer Scheme of Delegation.

The new Constitution contains the following Codes and Protocols; these have remained unchanged as the consultation process confirmed they were fit for purpose and working already:

- Standards Committee hearings procedure
- Code of Conduct for Employees
- Role descriptions for Members
- Members' Self Regulatory Protocol
- Protocol for Liaison with Members
- Protocol on Members' Access to Information
- Code of Best Practice for Councillors and Officers Dealing with Planning Matters
- Protocol on Role of Chair and Leader in Representing the Council
- Protocol and Guidance for Elected Members Appointed to Outside Bodies

The new Constitution also contains the following which have recently been updated and approved by the Full Council:

- Whistleblowing Policy
- Contract Procedure Rules
- Revised Member Code of Conduct

## **5. How does the decision contribute to the Corporate Priorities?**

5.1 A fit for purpose modern constitution will contribute to the priority of becoming a high performing Council providing assurances on governance and decision making, ethical behaviour, robust contracting and partnership rules and allowing the public and third parties to see who is the responsible decision maker on issues affecting them.

**6. What will it cost and how will it affect other services?**

6.1 There are no direct costs associated with this report.

**7. What consultations have been carried out?**

7.1 The Councils Constitution Working Group, this Committee, SLT and the wider membership via a workshop, have been involved in the debate on the key proposals in the new constitution.

**8. Chief Finance Officer Statement**

8.1 There are no financial implications as a result of this report.

**9. What risks are there and is there anything we can do to reduce them?**

9.1 There is a risk that a Constitution that is not amended to keep up to date with corporate and legislative changes ceases to be fit for purpose.

**10. Power to make the Decision**

10.1 The Local Government Act 2000 requires all councils to have a constitution.