

Annual Meeting of the Council – 16th May, 2024

Report of the Lead for Law and Governance (Monitoring Officer)

Constitution and Scheme of Delegation

Purpose of Report

1. To seek the Council's affirmation of the Constitution and the Scheme of Delegation for the 2024/25 municipal year, subject to the incorporation of any necessary and consequential amendments arising from the decisions taken at this meeting.

Recommendations

2. That the Constitution and Scheme of Delegation be reaffirmed for the 2024/25 municipal year.
3. That the Monitoring Officer be authorised to make any necessary and consequential amendments to the Constitution arising from decisions made by the Council and to reflect any ongoing restructuring activity, changes in legislative requirements, statutory provisions or associated regulations or guidance.
4. That all references in the Constitution to statutory provisions be taken to include any subsequent legislation, Statutory Instruments, Regulations, Orders or Guidance issued under those statutory provisions.
5. That the Council note that a further report will be submitted during this municipal year on the outcome of a review of the Constitution as part of the Fit for the Future Governance workstream.

Background

6. The Council's Constitution prescribes that the Scheme of Delegation shall be agreed at the Annual Meeting.

7. The Scheme of Delegation, as set out in Part 3 of the Constitution, was first approved at the meeting of the Council held on 29th April, 2002. The Council has approved a considerable number of amendments to the Constitution since then. Under Article 7, it is the responsibility of the Leader to maintain the list of responsibilities and executive functions allocated to Cabinet Members.
8. The Constitution provides that amendments to the Scheme of Delegation may be approved by the Leader of the Council by way of a Delegated Decision Sheet. The Leader of the Main Opposition Group is notified of any proposed changes before a decision is made by the Leader.
9. The Constitution requires frequent updating to reflect changes in legislation and Statutory Instruments, Regulations and Guidance issued under various statutory provisions. As the Council's Monitoring Officer, I maintain the Constitution and ensure that it is widely available for consultation by members, staff and the public. The Constitution is available on the [Council's Website](#)
10. The Council has previously delegated authority to the Monitoring Officer to update and amend the Constitution in line with any ongoing restructuring activity and to reflect any other necessary legislative or statutory provisions. It is proposed that this delegation be reaffirmed and allocated to the Monitoring Officer in line with the duties of the statutory post to maintain the Constitution.
11. Council Procedure Rule 11 (Questions by Members at Full Council Meetings) has been updated to reflect the revised procedure that was successfully piloted in the 2023/24 municipal year. This is in line with the decision of the Council on 26th February, 2024.
12. As part of the Governance workstream of the Fit for the Future Programme, a full review of the Council's Constitution is being undertaken. This work is being supported by the Centre for Governance and Scrutiny. A further report on the review will be submitted to the Council during this municipal year.

Finance

13. The financial implications arising from the adoption and maintenance of the Council's Constitution are met from within existing resources. The resource implications of engaging external support in relation to the review of the Constitution are subject to ongoing consideration.

Law

14. Relevant statutory provisions regarding the Council's Constitution are contained in Part II of the Local Government Act, 2000, together with Regulations, Orders and Statutory Guidance issued by the Secretary of State.
15. The duty to designate an officer as the Monitoring Officer is contained in Section 5 of the Local Government and Housing Act 1989. In order to ensure a separation of roles, the person designated as the Monitoring Officer may not also fulfil the duties of the Chief Finance Officer or the Head of Paid Service.

Risk Management

16. This report deals with the Council's Constitution and governance arrangements, which will ensure that the Council considers any ongoing material risks as part of the Council's Risk Management Framework.

Equality Impact

17. The Council's Constitution sets out the arrangements made by the Council for the proper discharge of all its powers, duties and functions, including those relating to equality and diversity and in respect of children and young people.

Human Resources/Organisational Development

18. There are no direct implications arising from this report.

Commercial/Procurement

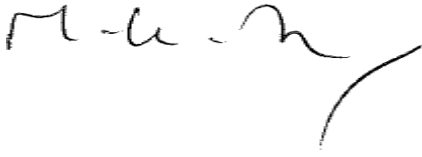
19. The Constitution includes the Council's Contract Standing Orders and Financial Regulations.

Environment/Climate Change

20. The Council's Constitution and governance arrangements provide for the assessment of the environmental impact of specific proposals and to address the impact on the Council's work to address Climate Change and achieve the Net Zero target by 2030.

Council Plan

21. This report deals with the Council's Constitution, which underpins the delivery of the Council Plan objectives.

A handwritten signature in black ink, appearing to read 'M-Farooq', with a long, sweeping flourish extending to the right.

**Mohammed Farooq
Lead for Law and Governance
(Monitoring Officer)**