

Meeting of the Council – 27th February, 2023

Report of the Cabinet

Annual Review of the Constitution

Purpose

1. To consider the annual review of the Constitution. The full [Constitution](#) is available on the Council's website.

Recommendation

2. That the Council endorse the updates and amendments to the Constitution as set out in this report.

Background

3. The Council introduced the Constitution in May 2002. Section 37 of the Local Government Act 2000 requires the Council to keep the Constitution up to date. This is reflected in Article 15, which requires the Monitoring Officer to monitor and review the operation of the Constitution to ensure that the aims and principles are given full effect.
4. The Full Council is responsible for adopting and changing the Constitution. An exception to this is that, under Article 4.02(a), amendments to the Scheme of Delegation in Part 3 of the Constitution are approved by the Leader of the Council by way of a Delegated Decision Sheet. This is subject to the Leader of the Opposition Group being notified of any proposed changes before a decision is made by the Leader.

5. In addition, amendments to the Constitution can be made by the Monitoring Officer, from time to time, under powers delegated by the Council. Minute No. 12 of the Annual Council meeting of the Council on 19th May, 2022 authorises the Monitoring Officer 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. Any changes made during the year are reflected in the current Constitution, which is available on the Council's website.
6. The Constitution promotes the Council's democratic governance arrangements. All previously approved amendments to the Constitution have been implemented. The Cabinet and Full Council are asked to endorse the specific amendments as referred to below:

Your Home, Your Forums

7. On 11th July, 2022, the Council approved a report on the [development of Community Forums](#), including the reduction in the number of Forums from 10 to 5 during the 2022/23 municipal year. It was acknowledged that the proposals for Forum meetings and the grants process would be the subject of ongoing review. The first cycle of meetings took place in October/November, 2022.
8. On 26th August, 2022, the Cabinet Member for Housing and Communities approved [Delegated Decision Sheet DPH/06/2022](#), including a decision that the name of Community Forums be changed to 'Your Home, Your Forum'. This has been reflected in Article 10 of the Constitution. A further cycle of Forum meetings is planned for late February/early March, 2023.
9. The Leader has indicated that moving forward the Cabinet Member for Public Health and Wellbeing will have responsibility for functions relating to libraries and archives and community development and engagement. Lead Officer responsibility for the Forums, including the administration of the Forum funding and grants, will continue to be allocated to the Director of Public Health and Wellbeing. Part 3 of the Constitution will be updated accordingly.

Planning Committee

10. With effect from the Annual Council Meeting on 19th May, 2022, the former Development Control Committee was redesignated as the Planning Committee. This has been reflected throughout the

Constitution, particularly in the Articles of the Constitution, the terms of reference, onward delegations and the Code of Practice for Members and Officers dealing with planning matters.

Climate Change and Environment Scrutiny Committee

11. The Climate Change and Environment Scrutiny Committee was established at the Annual Meeting of the Council on 19th May, 2022. The terms of reference were reported to the meeting of the Scrutiny Committee on 28th September, 2022. These terms of reference have now been incorporated in the Constitution under Part 4 (Scrutiny Committee Procedure Rules).

Code of Corporate Governance

12. On 26th September, 2022, the Audit and Standards Committee considered a report on the review of the Code of Corporate Governance. The updated document approved by the Committee has been incorporated in the Constitution under Part 6 (Codes and Protocols).

Restructure of the Public Realm Directorate

13. On 20th October, 2022, the Cabinet Member for Commercialisation and Human Resources approved Delegated Decision Sheet DPR/16/2022. A copy of this decision sheet, which contains exempt information, as it refers to a restructure implemented in accordance with the Council's Managing Employees at risk of redundancy policy, can be provided to any Member of the Council upon request.
14. The Decision Sheet approved a new organisational structure and the introduction of a Neighbourhood Operating Model for the Public Realm Directorate. The Interim Director of Public Realm was authorised to undertake formal consultation with Trade Unions and staff. In addition, it was agreed:
 - That the name of the Public Realm Directorate be changed to the Environment Directorate to better reflect the Directorate's strategic focus and responsibilities.
 - That the Council's Energy Team migrate from the Regeneration and Enterprise Directorate to the Environment Directorate and the Licensing Team be moved to the Public Health and Wellbeing Directorate.

15. The consequential amendments to the Constitution arising from the above decision will be implemented pursuant to the powers delegated to the Monitoring Officer to reflect any ongoing restructuring activity in the Constitution.
16. At this stage, however, there will be no changes to the designation of Cabinet Members and/or the relevant Scrutiny Committees. Any such amendments will be considered at the Annual Meeting of the Council in May, 2023.

Joint Negotiating Committee Handbook and Model Procedure Update

17. On 9th January, 2023, the Appointments Committee received a report on the [Joint Negotiating Committee \(JNC\) Handbook and Model Procedure Update](#) and proposals to ensure that the Council has appropriate delegations in place to enable compliance with the Model Procedure, as set out in the Handbook, and in statute.
18. The Appointments Committee approved arrangements for the delegation of authority to undertake and determine the initial 'filter test' in relation to Statutory Officers (as set out in the JNC Model Procedure). These delegations will be reflected in Part 3 of the Constitution (Responsibility for Functions) and in any required or consequential amendments to the Officer Employment Procedure Rules set out in Part 4 of the Constitution.

Ongoing Review of the Constitution

19. Maintaining and updating the Constitution is an ongoing duty of the Monitoring Officer. Work will continue to identify any required updates, consolidate various provisions, remove duplication or any content that is no longer relevant. A report on the Constitution is submitted to the Annual Council Meeting in May, where any amendments made to the document are confirmed.

Finance

20. Any costs arising from compliance with the Constitution are met from existing budgets.

Law

21. Section 37 of the Local Government Act 2000 requires the Council to keep its Constitution up to date.

Risk Management

22. 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

23. The Constitution makes provision for the discharge of the Council's powers and duties relating to equality and diversity including the consideration of any specific implications of proposals affecting children and young people.

Human Resources/Organisational Development

24. The ongoing review of the Constitution is undertaken within existing resources by the Monitoring Officer, supported by the Democratic Services Team. Regular monitoring and updating is necessary to ensure that the Constitution remains fit for purpose and underpins the efficient and effective operation of the Council's governance arrangements.

Commercial/Procurement

25. The Constitution includes governance documents that set a framework in which the Council's commercial/procurement activity is properly undertaken. This includes the Council's Standing Orders relating to Contracts.

Environment/Climate Change

26. Within our governance arrangements, the Council requires that all reports should include an assessment of the impact on the environment. The Council has declared a Climate Emergency and reports on individual proposals should address the impact on the Council's work to address Climate Change and achieve the Net Zero target by 2041. In addition, individual reports should consider how the proposals support the [United Nations sustainable development goals](#).
27. To reinforce the Council's commitment, the Leader established a specific Cabinet portfolio for Waste Management and Climate Change in May 2022. The Council also established the Climate Change and Environment Scrutiny Committee for the 2022/23 municipal year.

Council Priorities

28. This report deals with the Council’s Constitution, which underpins the delivery of key Council priorities including the Borough Vision, Council Plan and Future Council Programme.



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Leader of the Council