

<p>Non-Executive Report of the:</p> <p>General Purposes Committee</p> <p>Tuesday, 8 October 2019</p>	
<p>Report of: Corporate Director, Governance and Monitoring Officer</p>	<p>Classification: Open (Unrestricted)</p>
<p>Revised Constitution - Update</p>	

Originating Officer(s)	Matthew Mannion, Head of Democratic Services
Wards affected	(All Wards);

Executive Summary

Following the agreement of Council on 17 July 2019 the updated constitution has been published. As required by Council, this report brings General Purposes Committee up to date with the review and notes final tasks that are being undertaken.

In addition, there are some minor amendments to the Council Procedure Rules and Financial Procedure Rules which require General Purposes Committee agreement.

Recommendations:

The General Purposes Committee is recommended to:

1. Note the report.
2. Note the minor amendments undertaken by officers whilst publishing the Constitution.
3. To agree the proposed updates to the Council Procedure Rules and Finance Procedure Rules.

1. REASONS FOR THE DECISIONS

- 1.1 Council has delegated to the General Purposes Committee a number of responsibilities in respect of the Constitution including agreeing minor changes to the document.

2. ALTERNATIVE OPTIONS

- 2.1 The General Purposes Committee are free to propose alternative content for the constitution.

3. DETAILS OF THE REPORT

- 3.1 The Local Government Act 2000 requires the Council to prepare and keep up to date a Constitution.
- 3.2 The General Purposes Committee oversaw a general review of the Constitution between October 2018 and June 2019, with the final document being presented to Council on 17 July 2019.
- 3.3 Council agreed the revised Constitution and also agreed that officers work to arrange for it to be properly published for public use. Council asked that officers report any small changes made during that process to General Purposes Committee for noting or agreement as required.

Publication of the Constitution and consequent minor amendments

- 3.4 The constitution has now been published on the website and the Modern.gov App (users of the App are advised to 'pin' the document to stop the system automatically deleting it after 6 months).
- 3.5 During this process a few minor amendments have been made to update job titles, paragraph references and similar. The changes are factual in nature and do not impact on the content or meaning of the Constitution. These changes include:
- Inclusion of descriptions for the King George's Field Board and Grants Determination Sub-Committees in their terms of references.
 - Bringing the Grants Determination Sub-Committee Membership into line with that agreed at the annual council meeting.
 - Correcting a couple of typos, incorrect references and similar.
- 3.6 Note that further changes are likely within Part D of the Constitution under delegated authority and these will be reported for noting at a later date.

Financial Procedure Rules

- 3.7 Part C, Section 36 of the Constitution contains the Financial Procedure Rules. These were updated in advance of the July Council meeting and agreed as part of the revised constitution. Following Council, a number of further small changes have been requested to this Section. Appendix 1 contains a track change version of that Section of the Constitution. General Purposes Committee are asked to review and agree those changes.

Council Procedure Rules

- 3.8 Following discussion at the General Purposes Committee, a number of changes were agreed to the Council Procedure Rules. It has been identified that one subsequent change is required to bring into effect one of the agreed changes.
- 3.9 The Committee agreed previously that ungrouped Councillors should be able to present Motions on Notice to Council without requiring a seconder. This change was agreed by Council in July. However, to ensure clarity it has been identified that the Rules of Debate need to be updated to clarify that those motions can also be debated without requiring a seconder. The Committee are asked to agree to add a comment to the start of Procedure Rule 13.1 so that it reads:
- 3.10 “With the exception of Motions on Notice accepted under Rule 11.3, no speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.”

4. EQUALITIES IMPLICATIONS

- 4.1 The Constitution sets out a Citizen’s Rights and Responsibilities in respect of dealing with the Council.
- 4.2 An effective Constitution ensures the Council maintains the necessary transparency and public engagement procedures to allow proper engagement with the Council’s decision making.

5. OTHER STATUTORY IMPLICATIONS

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
 - Consultations,
 - Environmental (including air quality),
 - Risk Management,
 - Crime Reduction,
 - Safeguarding.
 - Data Protection / Privacy Impact Assessment.
- 5.2 An ineffective Constitution would be a significant risk to the Council in many areas leaving the Council open to challenge in its decision making and in its provision of services.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 This report asks the General Purposes Committee to agree the revisions to the Constitution set out above and within the Appendix. There are no direct financial implications arising.

7. COMMENTS OF LEGAL SERVICES

- 7.1 This report complies with the S.9P Local Government Act 2000 sets out the requirements for a local authority to prepare and keep up to date a document known as a constitution. This document is to contain a copy of the authority's standing orders, a copy of the authority's code of conduct in accordance with the principles listed under s.28 Localism Act 2011, such information the Secretary of State at the time may see fit and any other such information the authority considers appropriate. This document must be available for public inspection. The publication of the newly amended constitution on the council's website and also the Modern.Gov App satisfies this requirement.
- 7.2 The case law which concerns ungrouped councillors not requiring a seconder is R (on the application of Armstrong-Braun) v Flintshire County Council (2001) EWCA Civ 345. This case gave considerations to the democratic implications that resulted in an ungrouped councillor being unable to gain support of a seconder for a motion they wished to present. Consequently, it was held that ungrouped councillors should be allowed to present motions without the support of a seconder. In light of this case law, the Committee are asked to agree on the amendment to Rule 13.1 of the Council Procedure Rules.

Linked Reports, Appendices and Background Documents

Linked Report

- Report to Council 17 July 2019

Appendices

- Appendix 1 – track changes to the Financial Procedure Rules.

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- None

Officer contact details for documents:

N/A