

Non-Executive Report of the: General Purposes Committee 11 December 2018	
Report of: Corporate Director, Governance and Monitoring Officer, Asmat Hussain	Classification: Unrestricted
Constitution Review – Part A	

Originating Officer(s)	Matthew Mannion, Committee Services Manager
Wards affected	All wards

Executive Summary

As set out in the report to the General Purposes Committee's last meeting, officers are working through a refresh of the Council's constitution.

This report presents a draft copy of the new Part A of the constitution for consideration by the Committee. The draft will be amended following any comments from the General Purposes Committee and elsewhere and then combined with later Parts to form a fully refreshed constitution to be presented to Council.

Recommendations:

The General Purposes Committee is recommended to:

1. Review and comment on the draft Part A of the new constitution.
2. To confirm that the Committee wishes to review the final Part A at a later meeting.

1. REASONS FOR THE DECISIONS

- 1.1 This report follows on from the report to General Purposes Committee on 29 October 2018 and the initial reasons for the review are set out there.

2. ALTERNATIVE OPTIONS

- 2.1 This report is seeking the views and comments of the General Purposes Committee. Members are free to suggest alternative content and/or styles.

3. DETAILS OF THE REPORT

- 3.1 This report follows on from the report to General Purposes Committee on 29 October 2018 and the initial reasons for the review are set out there.
- 3.2 One change should be noted from that report which is that the 'Supplementary Documents' (formerly called 'supporting documents') will remain a separate section but will be specified as being part of the Constitution. However, the delegations will remain in place to ensure that the relevant Sections can be updated as required.
- 3.3 Following discussion of the overview report at the last General Purposes Committee meeting, Members agreed that:
- Discussion on the constitution should take place at the General Purposes Committee and that a constitution working group was not required for this particular review.
 - That this would work best if the reviewed constitution was presented in stages.
- 3.4 Part A of the new Constitution is therefore presented to the Committee for consideration.
- 3.5 The new Part A is a merger of the existing Parts 1 (Summary and Explanation) and 2 (Articles). Appendix 1 sets out a table showing how the different sections/articles have been combined.
- 3.6 The table demonstrates that, although the content has been reviewed and re-organised, all sections of information are still retained. The overall length has also been reduced.

Track Changes

- 3.7 The new Part A is presented in Appendix 2 to this report. Due to the significant changes and re-organisation, full track changes have not been shown as they do not clearly show new/amended content. However, highlighting has been used to draw attention to particularly relevant changes.

Review by Other Committees/Mayor

- 3.8 Certain sections of Part A will be reviewed by the relevant Committees or the Mayor. General Purposes Committee are asked to consider whether they wish to confirm agreement to those Sections at a later date or if the Committee is content for them to proceed direct to Council.
- Section 9 – Overview and Scrutiny Committee and Scrutiny Sub-Committees/Panels
 - Section 11 – The Standards (Advisory) Committee and the Code of Conduct for Members

3.9 The Mayor is also being consulted in respect of any changes proposed in relation to Executive decision-making arrangements.

Significant Changes and Additions

3.10 The following table sets out the main areas of change in the new Part A

Section	Changes Title	Notes
3	Key Decisions	Significant revision has taken place looking to make it clearer where decisions should qualify as Key Decisions. The definition and guidance have been expanded. Possible specific potential financial thresholds for certain key decisions (and officer decision publication) are also being consulted on.
3	Officer Decisions	To improve transparency it is made clear that officer decisions over a specific financial threshold must be published online.
6	Freedom of the Borough	Some content added to explain how the Freedom of the Borough is conferred and how recipients may be involved in Council activities.
7	Budget and Policy Framework	The content of the policy framework is being reviewed to ensure it is still accurate against the legal requirements.
12	Joint Arrangements and Partnership Working	Has been reviewed and revised by the Council's Strategy, Policy and Performance Service in relation to the Partnership.
13	Officers of the Council	Significantly shortened as it duplicated information later in the Constitution. It now refers across to those sections.
15	Changes and publishing the constitution	Additional clarity around how changes are made to the Constitution and how they are published.

3.11 The Committee are asked to review and comment on the changes and make suggestions as to any other areas that should be looked at.

4. EQUALITIES IMPLICATIONS

4.1 The Constitution sets out how the Council operates and how decisions are taken. By ensuring properly transparent decision making the Constitution ensures that residents are able understand how decisions are taken and to participate in decision making as set out.

- 4.2 The changes set out are designed to improve the efficiency, transparency, accountability and general good governance of the Council.

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.

- 5.2 It is good practice to review the Constitution regularly, it also meets with a recommendation of the recent Corporate Peer Review which highlighted the need to ensure the Council removed 'bad bureaucracy whilst retaining good governance'.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 This report provides drafts copy of the new Part A to refresh the Council's constitution for consideration by the Committee.

- 6.2 There are no financial implications emanating from this report.

7. COMMENTS OF LEGAL SERVICES

- 7.1 Section 9P of the Local Government Act 2000 (as amended) requires the Council to prepare and keep up to date a constitution.

- 7.2 The constitution must contain the elements identified specified by the Secretary of State in the Constitution Direction issued in December 2000.

- 7.3 The constitution must be published and be available for inspection by members of the public.

Linked Reports, Appendices and Background Documents

Linked Report

- Report to the General Purposes Committee 29 October 2018

Appendices

- Appendix 1 – Table showing how different sections of the existing constitution have been moved/adjusted to create the draft new Part A
- Appendix 2 – Draft new Part A of the Constitution
- Appendix 3 – Benchmarking information (to follow)

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

Appendix 1

Existing Sections/Articles	Proposed New Sections
1.1 The Council's Constitution	Section 1 – Introducing the Council's Constitution
1.2 What's in the Constitution?	Section 1
1.3 How the Council Operates	Section 2 – How the Council Operates
1.4 How Decisions are Made	Section 3 – How Decisions are Made
1.5 Dispute Resolution	Moved to the Budget and Policy Framework procedures in Part B
1.6 Overview and Scrutiny	Section 9 – Overview and Scrutiny Committee and Scrutiny Sub-Committees/Panels
1.7 The Council's Staff	Section 13 – Officers of the Council
Article 1 – The Constitution	Section 1
Article 2 – Members of the Council	Section 6 – Members of the Council
Article 3 – Citizens of the Council	Section 4 – Citizens' Rights
Article 4 – Council	Section 7 – Council
Article 5 – The Speaker of the Council	Section 5 – The Speaker of the Council
Articles 6 – Overview and Scrutiny Committee and Sub-Committees/Panels	Section 9
Article 7 – The Mayor and the Executive	Section 8 – The Mayor and the Executive
Article 8 – Regulatory and other Committees	Section 10 – Regulatory and Non-Executive Committees
Article 9 – The Standards (Advisory) Committee and the Code of Conduct for Members	Section 11 – The Standards (Advisory) Committee and the Code of Conduct for Members
Article 10 – Local Strategic Partnership	Section 12 – Joint Arrangements and Partnership Working
Article 11 – Joint Arrangements	Section 12
Article 12 – Officers	Section 13
Article 13 – Decision Making	Section 3
Article 14 – Finance, Contracts and Legal Matters	Section 14 – Finance, Contracts and Legal Matters
Article 15 – Review and Revision of the Constitution	Section 15 – Suspending, Interpreting and Changing the Constitution and Changes to Executive Arrangements
Article 16 – Suspension, Interpretation and Publication of the Constitution	Section 15
Schedule 1 – Description of Executive Arrangements	Section 8