

7 February 2022		ITEM: 5
General Services Committee		
Constitution Working Group		
Wards and communities affected: Not Applicable	Key Decision: Non-key	
Report of: Matthew Boulter, Democratic Services Manager & Interim Monitoring Officer		
Accountable Assistant Director: Not Applicable		
Accountable Director: Sean Clark, Director of Resources and Place Making		
This report is Public		

Executive Summary

This report outlines a request to convene a time limited Constitution Working Group to discuss and propose amendments to the Council's current Constitution.

1. Recommendation(s)

- 1.1 To convene a time limited Constitution Working Group for the purposes of discussing then proposing amendments to the Constitution for Full Council to agree.**

2. Introduction and Background

- 2.1 The Constitution is the key governance document of the council. It is regularly kept updated to comply with changes to laws and a refreshed version is published annually on the Council's website. In recent months Members have expressed a desire to review and reflect on some of the sections of the Constitution.
- 2.2 The General Services Committee, under its terms of reference in the Constitution, has the authority to '*advise the Council on major changes to the Constitution*'. The constitutional expectation therefore is for this committee to discuss and present any amendments. However, in the past the Council has used a constitution working group to draw upon the wider membership of the council to discuss amendments and propose changes direct to Full Council. The purpose of this report is therefore to ask the General Services Committee to allow such a working group to perform the task that has been reserved for the committee in the constitution.

3. Issues, Options and Analysis of Options

- 3.1 The Monitoring Officer is able to make consequential amendments to the constitution to ensure the document complies with current law and the agreed structures of the Council (portfolio holder positions or director roles for example), as well as to make minor corrections in spelling and formatting. Any further significant amendments need to be agreed at a Full Council meeting. Past practice has seen a constitution working group convened to discuss these amendments before they are presented to a Council meeting.
- 3.2 At present the Constitution marks the General Services Committee out as the forum in which such amendments could be discussed. This Committee therefore has the option, on this occasion, to either keep the review of parts of the constitution within its work programme or to ask a working group to convene to undertake the work.
- 3.3 A working group is a flexible way to convene Members to discuss an issue with officers. The Constitution Working Group, if convened, would be clerked by Democratic Services with an aim to provide a report to Full Council outlining proposed amendments to the Constitution.
- 3.4 General Services Committee could ask that the report return to them before being tabled at a Full Council meeting but Members may wish to forgo this in the knowledge that all Members of General Services would be present and able to contribute to the debate at Full council.

Nature of the Constitution Working Group (CWG)

- 3.5 It is important that the CWG is a cross party group which allows Members from all parties, experience and backgrounds to comment on the proposals. With this in mind it is recommended that the Group is composed of up to 4 Members from each political group, including the independent Member.
- 3.6 If agreed, the CWG will convene over coming months to debate the proposed amendments. A recommended terms of reference is attached at Appendix 1.

4. Reasons for Recommendation

- 4.1 Feedback from Members in recent months has indicated that a Constitution Working Group would be a preferred way to deal with the amendments.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 None.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 It is essential for the Council to maintain its Constitution and regular reviews ensure efficiency of decision making and strong governance of the organisation. Allowing Members to discuss and propose amendments to the constitution ensures the document reflects the needs of the elected Members.

7. Implications

7.1 Financial

Implications verified by: **Dammy Adewole**
Senior Management Accountant
Resources and Place Delivery

There are no direct financial implications.

7.2 Legal

Implications verified by: **Matthew Boulter**
Interim Monitoring Officer

The report outlines the rules, procedures and options for convening a constitution working group to fulfil the work surrounding a review of parts of the Constitution. The Constitution must reflect and comply with legislation and any amendments proposed by Members would need to comply with the law. The final report to Full Council would be accompanied with full legal assessment and implications.

7.3 Diversity and Equality

Implications verified by: **Becky Lee**
Team Manager - Community Development and
Equalities, Adults, Housing and Health
Directorate

There are no direct equality implications.

7.4 Other implications (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, or Impact on Looked After Children

No direct implications.

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None

9. Appendices to the report

- Appendix 1: Recommended terms of reference for the Constitution Working Group.

Report Author:

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Legal and Democratic Services