

Adoption of the Council's Constitution

Final Decision-Maker	Council
Lead Head of Service/Lead Director	Patricia Narebor, Head of Legal Partnership and Monitoring Officer
Lead Officer and Report Author	Donna Price, Team Leader Corporate Governance
Classification	Public
Wards affected	All

Executive Summary

The report highlights the various amendments agreed by Council or actioned by the Monitoring Officer under delegated powers during the 2017/2018 Municipal Year and asks that Council adopts the Constitution as amended for the Municipal Year 2018/19.

This report makes the following recommendations to Council:

1. That Council notes the amendments to the Constitution, including the scheme of delegations.
2. That Council adopts the Constitution, as amended.

Timetable

Meeting	Date
Annual Council Meeting	19 May 2018

Adoption of the Council's Constitution

1. INTRODUCTION AND BACKGROUND

- 1.1 The Constitution is a living document and as such it is necessary to keep it under continuing review so that amendments can be made as and when necessary to ensure the document is kept up to date.
- 1.2 This report highlights the amendments agreed by Council or actioned by the Monitoring Officer using delegated powers over the Municipal Year 2017/18. The background paper to this report includes the link to the track changed version of the Constitution which shows all amendments agreed during the year.
- 1.3 Under the Monitoring Officer's delegation minor amendments have been made to the Constitution to reflect restructuring of responsibilities. These changes were reported to the Democracy Committee on 14 March 2018. In addition, and to reflect the delegation of responsibilities regarding Assets of Community Value from Policy and Resources Committee to the Director of Finance and Business Improvement, it has been necessary to use the Monitoring Officer's delegation to insert the following into the Director of Finance and Business Improvement's delegations:

"The Responsibility for discharging the functions in Chapter 3 of Part 5 of the Localism Act 2011 (Assets of Community Value) including determining nominations and compensation claims".

- 1.4 The Constitution has been amended in year to reflect the decisions made by Council, these include:
 - 1.4.1 Council on 25 October 2017 agreed to amend the Constitution to clarify the responsibility for declaring open space surplus to requirements rested with Heritage, Culture and Leisure Committee. This has resulted to changes to the functions of both the Heritage, Culture and Leisure and the Policy and Resources Committees.
 - 1.4.2 The recommendations made by the Democracy Committee and agreed by Council on 6 December 2017 to amend the Council Procedure Rules at Part 3.1 of the Constitution to set timescales for the submission of amendments to the budget decision meeting of Council and to introduce a 'six month rule' with regards to motions to rescind a previous decision and motions similar to one previously rejected.
 - 1.4.3 On 6 December 2017 Council also approved the abolition of the Planning Referrals Committee and agreed that where a planning application is referred to a second body for determination that body should be Policy and Resources Committee. This decision has given rise to a number of amendments throughout the Constitution including the changes to the functions of Policy and Resources Committee set out at Part 2, the Council Procedure Rules at Part 3.1 and the Local Code of Conduct for Councillors and Officers dealing with Planning matters at Part 4.4.

1.4.4 The recommendations made by the Democracy Committee and agreed by Council on 7 March 2018 relating to the review of outside bodies has resulted in amendments being made to the list of outside bodies at Part 5, Schedule 2 which now identifies the appointing committee. In addition, an amendment to the functions of those committees to include the appointment to outside bodies has been made to Part 2 of the Constitution.

1.4.5 The recommendation made by the Strategic Planning, Sustainability and Transportation Committee, following the Planning Service Improvement Project, which resulted in amendments to the public speaking arrangements at meetings of the Planning Committee. This was agreed by Council on 11 April 2018 and has resulted in amendments to the Council Procedure Rules at Part 3.1 of the Constitution and the Local Code of Conduct for Councillors and Officers dealing with planning matters at Part 4.4 of the Constitution.

2. AVAILABLE OPTIONS

2.1 The first option is to “do nothing”. The Council could decide not to adopt the Constitution as amended, however, this is not advised as the amendments have already been agreed by Council.

2.2 The second option – which this report recommends – is to note the amendments and adopt the Constitution for the Municipal Year 2018/19.

3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

3.1 It is recommended that Council accepts the recommendation to adopt the Constitution for the Municipal year 2018/19 as the amendments incorporated have already been through the correct processes and have been agreed by Council.

4. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

4.1 The Constitution has been amended in accordance with recommendations made by the relevant Committees and agreed by Council, therefore all members have had input.

5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

5.1 Following adoption of the Constitution the final version will be published on the Council’s website.

6. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	A clear and effective Constitution supports the corporate priorities. Reviewing the Constitution regularly ensures that it most effectively meets the needs of the Council and the public.	Team Leader Corporate Governance
Risk Management	The changes proposed are to ensure the effective running of the council.	Team Leader Corporate Governance
Financial	None identified in the report	Team Leader Corporate Governance
Staffing	None identified in the report	Team Leader Corporate Governance
Legal	The legal implications are set out in the body of the report.	Team Leader Corporate Governance
Privacy and Data Protection	None identified in the report	Team Leader Corporate Governance
Equalities	None identified in the report	Team Leader Corporate Governance
Crime and Disorder	None identified in the report	Team Leader Corporate Governance
Procurement	None identified in the report	Team Leader Corporate Governance

7. REPORT APPENDICES

- None
-

8. BACKGROUND PAPERS

Track changed version of the Constitution showing all amendments for the Municipal Year 2017/18