

[REPORT TO:		Annual Council Meeting
DATE:		18 th May 2023
PORTFOLIO:		Cllr Marlene Haworth – Acting Leader of the Council
REPORT AUTHOR:		Executive Director (Legal & Democratic Services)
TITLE OF REPORT:		Constitution Update
EXEMPT REPORT:	No	
KEY DECISION:	No	If yes, date of publication:

1. Purpose of Report

1.1 To propose a number of updates to the Council's written constitution following the annual review of the same.

2. Recommendations

2.1 That Council:

- i. Agrees to adopt the Finance Procedure Rules appended to this report at Appendix 1 ; and
- ii. Agrees to adopt the Standards Committee Procedures For Dealing With Complaints attached at Appendix 2 to this report;
- iii. Agrees to adopt the Civic Protocol attached at Appendix 3 to this report and also agrees to establish an annual payment to the Deputy Mayor of £5000 in respect of the costs and expenses associated with that office (such payment to be in addition to the payment already made to the Mayor to cover the costs and expenses of his / her office) ;
- iv. Agrees to adopt the Overview & Scrutiny Procedure Rules attached at Appendix 4 to this report

3. Reasons for Recommendations and Background

3.1 The Council is required by law to have a written constitution. The Council's written constitution is reviewed regularly and a copy of the constitution is available on the Council's website. A review of the constitution is undertaken annually to:

- (i) ensure the constitution accurately reflects the Council's political management arrangements; and
- (ii) ensure the constitution reflects changes to the law, staffing structures and best practice guidance;

3.2 **Finance Procedure Rules**

These Rules have not been updated for a number of years. The existing Rules have recently been reviewed by the Head of Accountancy Services and confirmed to still be substantially up to date, accurate and for for purpose, with only minor clerical amendments being made (largely to reflect changes to job title and typographical errors or the make the document easier to read.) These amendments have been made and the revised version is attached for approval at Appendix 1 to this report.

3.3 **Standards Committee – Procedures For Dealing With Standards Complaints**

Until late last year the Council had not had a complaint about a councillor progress to an internal hearing for over 10 years. The number of complaints about councillors has also risen considerably over the last two municipal years. This recent experience has highlighted the need to clarify our procedures so they are both more comprehensive and easier to understand, both for the councillors concerned and for complainants. In addition, our procedures for dealing with complaints after completion of a formal investigation to the internal hearing stage were shown to be overly complicated and this element of the complaint process has been significantly simplified in the attached draft procedure. Also, the procedures to be followed at the Council's Standards Hearing Sub-Committee have been rewritten to make them clearer and easier to follow.

A revised procedure is therefore attached for approval at Appendix 2 to this report. Our basic approach to handling member complaints remains largely the same and reflects the approach of most other local authorities, with more minor complaints dealt with informally by the monitoring officer and more serious complaints referred for investigation. The process has hopefully been explained more fully and in plainer English and, if approved, full details of the revised procedures will be made available on the Council's website.

3.4 **Civic Protocol**

This has not been reviewed or updated for a number of years and has become out of date as our practices, procedures and staffing arrangements have changed. The

revised protocol attached at Appendix 3 to this report has been amended in particular to:

- Reflect the changed arrangements for organisation of the Mayor's Ball
- Reflect practice in recent years for the offer of free places to the Mayor Making and Mayor's Ball (with the number of free places at the Mayor Making having been reduced to enable the event to remain within budget)
- Provide a payment to the Deputy Mayor of £5,000.00 to reflect the costs and expenses associated with that office. A payment is already made to the Mayor.

3.5 Overview & Scrutiny Procedure Rules

Revised Overview & Procedure Rules are attached at Appendix 4 to this report for approval. These contain the following minor amendments to the version currently in force:

- The proposed new rules have a common procedure for the selection of scrutiny co-optees, with all nominations being considered by the relevant Overview & Scrutiny Committee before they are presented to Council for approval, whether the nomination comes from a councillor or a member of the public; and
- The inclusion of a new provision confirming that, if there is a dispute about which Overview & Scrutiny Committee should deal with a call-in item, the dispute will be resolved by the Executive Director (Legal & Democratic Services), who would make her decision having regard to the terms of reference of the Committees to determine which has the better claim to jurisdiction; and
- The inclusion of a requirement for an annual report to Council giving details of all call-ins over the preceding 12 months and the outcome of the same (rather than these being reported individually to the next Council meeting after the call-in, as happens now).

4. Alternative Options considered and Reasons for Rejection

4.1 None, although members could choose to reject any of the proposed amendments and retain the current version of these documents whilst the proposed amendments are reconsidered.

5. Consultations

5.1 Prior to the recent elections the draft civic protocol and procedures for dealing with standards complaints were circulated to all councillors.

6. Implications

Financial implications (including mainstreaming)	An additional cost will be incurred in respect of the proposed payment to the Deputy Mayor.
Legal and human rights implications	None. However, it is part of good governance to keep the constitution under regular review and up to date.
Assessment of risk	None
Equality and diversity implications <i>A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.</i>	None identified.

**7. Local Government (Access to Information) Act 1985:
List of Background Papers**

None

8. Freedom of Information

8.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.

