

Agenda Item

Policy and Resources Committee	
Meeting Date	29 November 2023
Report Title	Constitution amendment: Various
EMT Lead	Robin Harris – Monitoring Officer
Head of Service	
Lead Officer	
Classification	Open
Recommendations	Policy and Resources committee is asked to: <ol style="list-style-type: none">1. Agree the amendments at Appendix I and recommend to council their incorporation into the constitution.2. With regard to amendment 3 in Appendix I Committee to consider whether a wider review of member training should be undertaken.

1 Purpose of Report and Executive Summary

- 1.1 This report introduces a number of changes to the constitution to correct errors, provide clarity and generally improve the document. The report asks to Policy and Resources committee to recommend the amendments to council for adoption.

2 Background

- 2.1 Council voted unanimously in October 2021 to move to a committee system of governance from the 2022/23 municipal year. At the same meeting, council requested the cross-party working group which had been established to consider this governance change to continue its work in overseeing the detail of the new constitution. Following the election in May 2023 there are changes in membership of the working group, which now comprises Cllrs Baldock (chair), Palmer, Gibson, Harrison, Bowen, Whiting, Perkin and Lehmann.
- 2.2 The group has now met twice, on a monthly basis and will continue to meet monthly until January 2024 when the frequency of meetings will be reviewed with regard to the committee workflow.
- 2.3 It is inevitable when setting out to draft a new constitution that once adopted, over time, errors will be noted and the opportunity arises to put in place improvements and learnings. The amendments proposed, as set out in Appendix I have been raised as issues because they are either in error, could have greater clarity, make decisions more robust and improve efficiency.

3 Proposals

- 3.1 The constitution working group reviewed the proposals in appendix I and were satisfied that the amendments to the constitution should be made.
- 3.2 Appendix 1 details the proposals and the reasons for the proposal.
- 3.3 The Policy and Resources committee is now **recommended** to agree the proposed amendments at Appendix I and recommend them to council for adoption into the constitution.
- 3.4 With regard to amendment 3 it was noted by the CWG that there are numerous references to Member training in the Constitution and that while the identified matter could be simply corrected, it was appropriate to get a steer from the Committee on how the wider issue of member training should be approached.

4 Alternative Options Considered and Rejected

- 4.1 The Committee could not make the proposed amendments, but this is not recommended as errors would remain and improvements would not be made.

5 Consultation Undertaken or Proposed

- 5.1 The cross-party constitution working group has given detailed consideration to the proposed amendments set out at Appendix I. Specific points discussed and agreed by the group are highlighted in Section 3 above. Consultation has also taken place with the officers, who are responsible for administering the work in the areas affected.

6 Implications

Issue	Implications
Corporate Plan	Adoption of improvements to the constitution and the removal of errors support the fourth corporate priority of renewing local democracy and making the council fit for the future.
Financial, Resource and Property	No direct implications identified at this stage.
Legal, Statutory and Procurement	The Council is required to have a constitution.
Crime and Disorder	No direct implications identified at this stage.

Environment and Climate/Ecological Emergency	
Health and Wellbeing	
Safeguarding of Children, Young People and Vulnerable Adults	
Risk Management and Health and Safety	
Equality and Diversity	
Privacy and Data Protection	

7 Appendices

- 7.1 The following documents are to be published with this report and form part of the report:
- Appendix I: Proposed amendments

8 Background Papers

- 8.1 There are no background papers

Amendment 1

P&R Committee request

At the July meeting of the P&R Committee the following point was raised in discussion:

- needed to ensure that Policy and Resources Committee meetings were in-line with the relevant quarters to enable Members to consider the most up-to-date information.

The minuted decision was this:

(6) That the Constitution Working Group looked at what information Members received in relation to budgets and when it was received.

The pertinent paragraph of the constitution relating to budget information is this:

A2.2 A summary of such variations from budgeted amounts, whether or not previously reported, shall be included within the monthly reports to Strategic Management Team and quarterly reports to Policy and Resources Committee. This summary would include income and expenditure programmed for the remainder of the financial year, effectively presenting an updated outturn for the financial year. The Strategic Management Team would advise of any remedial action required to adjust the overall budget to bring it back in line with the original budget, subject to any Policy and Resources Committee approval to vary the original budget.

It is proposed that the word quarterly is replaced with biannual and so the text would read as follows:

A2.2 A summary of such variations from budgeted amounts, whether or not previously reported, shall be included within the monthly reports to **Strategic** Management Team and **quarterly twice yearly** reports to Policy and Resources Committee. This summary would include income and expenditure programmed for the remainder of the financial year, effectively presenting an updated outturn for the financial year. The **Strategic** Management Team would advise of any remedial action required to adjust the overall budget to bring it back in line with the original budget, subject to any Policy and Resources Committee approval to vary the original budget.

Reason:

This would mean that the historic quarterly reports no longer come to committee after the new budget has been set. This is preferable. The timing of the reports is an operational matter to be agreed with the Committee Chair by the relevant officers.

Amendment 2

P&R Committee request

At the July meeting of the P&R Committee the following point was raised in discussion:

- the Constitution Working Group should consider whether it was necessary that items for noting were considered by the relevant committee or just circulated for information; and...

This arises from the commentary in the peer review that too many matters / reports go to committees for noting.

There is no relevant provision in the Constitution for the noting of reports or the treatment of the same. This appears to have arisen as a matter of practice.

It is therefore proposed to insert into the constitution after:

2.3 Service Committees

2.3.1.2 All of the service committees shall exercise the following functions within their areas of responsibility:

...

vi. to appoint and oversee the work of any subcommittees.

Proposal:

vii. To note reports presented to the committee. The committee Chairman has discretion, in consultation with the relevant officers to determine whether a report for noting by the committee is required, or if the information may be provided in another way, for example by circulation to all members via the update. Where matters are not reported to committee then a list of such matters should be provided to the next meeting of that committee. Where matters for noting are circulated to all members then a list of such matters should be provided to the next full council meeting.

Reason:

To respond to commentary in the peer review and provide a pragmatic and flexible approach to the dissemination of information to members.

Amendment 3

Councillor request in respect of member training

Councillors must be trained to sit on Audit Committee and Licensing Committee. Under the Licensing Committee, you do need to be trained to sit on a sub-committee (hearing panel), but the Committee itself deals with policy. So, why would you need to be trained?

Proposal:

2.4.3.1 The Licensing Committee shall comprise of 15 members of the Council. ~~who have received appropriate training on licensing.~~

...

2.4.3.4 The Licensing Committee shall have ~~a~~ Licensing Act Sub-committees and ~~a~~ General Licensing Sub-committees each comprised of 3 members of the Licensing Committee ~~who have received training on the relevant areas of licensing law.~~

Reason:

Reflecting the position that training is required to sit on a sub-committee hearing panel, but not on the main committee.

Amendment 4

Contract standing orders:

We would to make a change to Contract Standing Orders. CSOs currently require financial appraisals to be undertaken annually on all contracts over £30k (including VAT), we would like to change this to £120k (including VAT).

Proposal: (Proposed amendment in red)

3.6.7.6 Financial appraisals shall be carried out by Finance and Procurement on all contracts over £30,000 (including VAT) prior to award. Contracts over £120,000 (including VAT) shall also have a financial appraisal undertaken by Finance and Procurement annually on or near the anniversary date of the contract award date.

Reason:

This is a proportionate step which brings annual appraisals in line with our other procurement thresholds.