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Angela Hutchings
Chief Executive

AGENDA

Committee: SCRUTINY

Date and Time: Wednesday, 8th November 2023, at 7.00pm

Venue: Committee Room 1, Council Offices

N.B. This meeting will be webcast live on the internet.

Membership: Councillors Isaacs(Chairman),Bowker, Edwards, Egan, Harvey, Jones, Thomas ,J.Thornton.

**Officers attending: Angela Hutchings - Chief Executive
Jason Bishop - Monitoring Officer
Ann Horgan - Head of Governance**

Enquiries: Ann Horgan , ext. 2413

PART I (Business to be taken in public)

1. Apologies

2. Members' Interests

3. Review of New Constitution

Scrutiny Committee has been tasked by Council to review the proposed new Constitution before consideration and approval by Council and implementation with the new Council administration in 2024. A report is attached and supporting papers are circulated separately.

SCRUTINY COMMITTEE**8th November 2023****Subject: Review of the New Constitution**

1. Purpose of Report

- 1.1 To outline the proposal for the new constitution for examination and review.

2. Background

- 2.1 A key commitment of the administration is to modernise the Council and as part of that process to review the Council's Constitution.

3. Present Position

- 3.1 A refresh has been undertaken to review the council's decision-making arrangements.
- 3.2 This included a comprehensive examination of the existing Constitution. Detailed below is a comparison of the existing and proposed Constitution.

| November 2022 Constitution | Proposed New Constitution |
|-------------------------------------|--|
| Part 1 Summary & Explanation | Chapter 1 The Articles of the Constitution |
| Part 2 Articles of the Constitution | Chapter 2 The Procedural Rules |
| Part 3 Delegations (Officer) | Chapter 3 Codes & Schemes |
| Part 4 Rules & Procedures | Chapter 4 Functions & Responsibilities |
| Part 5 Protocol | |

- 3.3 Background briefings have been provided to the Cabinet and the Scrutiny Committee.

4. Proposals

- 4.1 Copies of drafts of Chapter 1 and Chapter 2 have been circulated with the agenda.
- 4.2 The Committee is invited to review the following.

| Content for Review | New Constitution |
|--|---|
| a. Arrangements for Council Meetings and Procedure Rules as they apply to Council and committees | Chapter 1 Articles 4, 5,8 & 9 Chapter 2 – 12&15 |
| b. New Arrangements for Scrutiny Overview &Scrutiny Committee, Audit and Governance, Standards Committee | Chapter 1 Articles 8&9 Chapter 2 – 12&17 |
| c. Leader and Cabinet Arrangements | Chapter 1 Articles 4, 6 Chapter 2 Articles 13,15 |
| d. Practical Arrangements – public representations to be read at committee | |

Next Steps

- 4.3 Following the initial briefing members of Scrutiny were invited to feed back to the Political groups and identify ‘five bugbears’ with the constitution which Members would wish to see addressed. This feedback will need to be incorporated in the review.
- 4.4 Financial Procedure Article 16 is under review by the Section 151 Officer.
- 4.5 Chapter 3 Codes and Schemes this will be circulated. Members are reminded that:
- The Member Code of Conduct - is unchanged.
 - Members Allowances is to be reviewed for the new administration in May 2024.
 - Improved guidance for gifts and hospitality.
 - Improved clarity of Member/ Officer Protocol.
- 4.6 Chapter 4 Functions and Responsibilities contains Scheme of Delegations for Cabinet and the Office scheme of delegation which is being revised considering the new organisation.

5. Corporate Implications

(a) Financial Implications

- 5.1 As mentioned above Financial Procedure Article 16 is under review by the Section 151 Officer.

(b) Legal Implications

- 5.2 It is a requirement of the Local Government Act 2000 as amended that the Council publishes and maintains a formal document setting out the constitutional and governance arrangements for the Council.

(c) Human Resources and Equality Implications

Human Resources

- 5.3 There are none to be addressed by this report.

Equality Implications

- 5.4 An Equality Impact Assessment is not required.

(d) IT and Asset Management Implications

- 5.5 It is intended that once approved the Constitution will be available in a more user-friendly format.

6. Links to Council's Priorities and Objectives

- 6.1 An effective Constitution supports all the Council's priorities.

7. Timescale for Implementation and Risk Factors

- 7.1 It is intended that the review will be completed and the new Constitution in place for the new Council administration in May 2024.

Recommendation

The Committee review the proposals detailed in Section 4 of this report.

Resolution Required

Background Papers

Constitution November 2022.

Draft Chapter 1 & 2 circulated with this report.

Report Author: Ann Horgan Head of Governance