

Report To:	STANDARDS AND PERSONNEL APPEALS COMMITTEE
Date:	8 MARCH 2023
Heading:	ANNUAL CONSTITUTION REVIEW
Executive Lead Member:	NOT APPLICABLE
Ward/s:	NOT APPLICABLE
Key Decision:	NO
Subject to Call-In:	NO

Purpose of Report

The purpose of this report is to detail proposed changes to the Constitution to the Standards and Personnel Appeals Committee for consideration and comment prior to being reported to the Annual Council Meeting in May 2023.

Recommendation(s)

Members of the Standards and Personnel Appeals Committee are recommended to:

- a. Consider the proposed changes to the Constitution.
- b. Consider any additional changes to the Constitution.
- c. Make comments and recommendations regarding the Constitution to the Annual Council Meeting.

Reasons for Recommendation(s)

To ensure that the Council's Constitution remains up to date and fit for purpose, it is reviewed annually. The remit of the Standards and Personnel Appeals Committee includes making recommendations to Council regarding amendments to the Constitution relating to matters of an ethical governance nature.

Alternative Options Considered

Alternatively, the Council could choose not to update the Constitution. However, this would be contrary to best practice and reduce the value of the document: both to the Council and the wider community as an authoritative guide to how the Council operates.

Detailed Information

CONSTITUTION REVIEW 2023

It is good practice to review the Constitution regularly, and it is the Council's practice to carry out a set review annually.

The below table sets out proposed amendments made by Officers in line with changes to policy and legislation.

Note: Titles have been reviewed and amended throughout the Constitution to reflect recent changes to the Council's Senior Management Structure.

Part of the Constitution	Proposed Amendments
Part 1 – Summary	No changes proposed.
Part 2 – Articles	No changes proposed.
Part 3 – Functions and Delegations	No changes proposed.
Part 4 – Rules of Procedure	Contract Procedure Rules – Changes to procurement thresholds. Streamlining of decision making process. Quick Reference Guide updated. Definitions list updated. Minor formatting changes throughout. Employment Procedure Rules – The Employment Procedure Rules will be reviewed to ensure they remain fit for purpose, in line with current legislation and best practice frameworks.

Part 5 – Members’ Code of Conduct	No changes proposed.
Part 6 – Member/Officer Protocol	No changes proposed.
Part 7 – Allowances	Figures have been updated in line with the latest pay award.
Part 8 – Management Structure	The Senior Management Structure chart has been updated to the most current version.
Part 9 – Employees Code	Criminal Convictions 14.2 - A line has been added regarding driving disqualifications for employees required to drive as part of their role as follows: “The impact on the role will be considered in line with relevant policies.”
Part 10 – Planning Code	No changes proposed.

Note: Any additional changes proposed for the Constitution will be presented to Members of the Standards and Personnel Appeals Committee during the meeting.

Implications

Corporate Plan:

The Council will strive to ensure effective community leadership through good governance, transparency, accountability, and appropriate behaviours.

Legal:

In accordance with Article 13 of the Constitution, the Monitoring Officer is responsible for keeping the Constitution under review. The Monitoring Officer is delegated the authority to make minor alterations to the Constitution or make amendments to reflect in year changes. Substantive changes to the Constitution must be approved by the Council.

Finance:

Budget Area	Implication
General Fund – Revenue Budget	None.

General Fund – Capital Programme	
Housing Revenue Account – Revenue Budget	
Housing Revenue Account – Capital Programme	

Risk:

Risk	Mitigation
Not updating the Constitution on a regular basis would increase the risk of failing to reflect current legislation and practices which would negatively impact decision-making.	The Council's Constitution is reviewed annually to ensure it remains up to date and fit for purpose.

Human Resources:

There are no direct HR implications resulting from the recommendations within this report.

Environmental/Sustainability:

There are no direct environmental/sustainability implications resulting from the recommendations within this report.

Equalities:

There are no direct equalities implications resulting from the recommendations within this report.

Other Implications:

There are no other implications resulting from the recommendations within this report.

Reason(s) for Urgency

None.

Reason(s) for Exemption

None.

Background Papers

None.

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