

Report To:	COUNCIL
Date:	24 JULY 2023
Heading:	CONSTITUTION UPDATE
Executive Lead Member:	EXECUTIVE LEAD MEMBER FOR GOVERNANCE
Ward/s:	ALL
Key Decision:	NO
Subject to Call-In:	NO

Purpose of Report

The purpose of this report is to present Council with further proposed updates to the Constitution for consideration and approval. The proposed updates detailed within this report have been considered by the Standards and Personnel Appeals Committee at a meeting held in July 2023.

Recommendation(s)

Council is recommended to:

- a. Consider and approve the proposed changes to the Council's Constitution detailed within this report, as recommended by the Standards and Personnel Appeals Committee.

Reasons for Recommendation(s)

The Constitution is reviewed and updated throughout each year to ensure it remains fit for purpose.

Alternative Options Considered

The Council could choose not to review and update the Constitution regularly. However, this would be contrary to best practice and reduce the value of the document as an authoritative guide on how the Council operates.

Detailed Information

BACKGROUND

Ashfield District Council has agreed a Constitution which sets out how the Council operates, how decisions are made, and the procedures which are followed to ensure that these are efficient, transparent, and accountable to local people.

CONSTITUTION UPDATE

The Council's Constitution is reviewed and updated throughout the year to ensure it remains fit for purpose. Changes are made primarily to ensure the Constitution is in line with policy changes within the Council and any changes to legislation that may impact the provisions set out in each section.

The table below sets out changes proposed as part of the most recent update exercise.

The updates listed below have been considered by the Standards and Personnel Appeals Committee at a meeting held in July 2023. Any comments made by the Standards and Personnel Appeals Committee have been included as a note in the relevant section of the table.

Constitution Section	Proposed Updates
Part 3 - Responsibility for Functions	<p><u>Responsibility for Council Functions and Scheme of Delegations</u></p> <p>1.2 (e) – Proposed to include a provision as follows:</p> <p><i>It is the responsibility of the Chief Executive (Proper Officer) to enact the wishes of the Groups of the Council in appointing members to committees based on the established political proportionality. This is in accordance with the Local Government and Housing Act 1989, the Local Government Act 2000, the relevant Statutory Regulations, and the Council's Constitution.</i></p> <p><i>Any changes to committee membership must be notified to Democratic Services by the relevant Group Leader no later than 5pm 7 clear working days before the meeting where membership will change.</i></p> <p><i>Changes to committee membership will be announced by the appropriate Chairman at the next meeting of the committee with altered membership.</i></p> <p>(Note: Concerns were raised by the Standards and Personnel Appeals Committee that this proposed change could lead to Committee Membership being changed without the involved Members having prior notification and/or contribution, and with no recourse to challenge the decision if desired.)</p>

Part 4 – Rules of Procedure

Council Rules of Procedure

Ordinary Meetings – Order of Business

2.1 (v) – Proposed to include *Chairman’s Presentation of Awards/Certificates* as a new item on the order of business.

2.1 (x) – *Receive updates from members of the Cabinet on their portfolio activity, within a maximum collective time allocation of 30 minutes. Proposed to add a 3 minute maximum speech time per Executive Lead Member.*

Annual Budget Setting – Order of Business

Proposal to include an established order of business for the Annual Budget Setting meeting, like is included for the Annual Council Meeting, Ordinary Council Meetings, and Extraordinary Council Meetings.

The proposer of the Annual Budget report will have **15 minutes** to move the item as well as **5 minutes** to summate following debate. The seconder of the Annual Budget report will have **10 minutes** to second the item. Council Procedure Rule 16.4 – Content and Length of Speeches will still apply for all other Members partaking in debate on the Annual Budget report.

Motions on Notice

Scope 14.3 – Proposed to include a provision that *Valid motions must include appropriate and sufficient information to enable Councillors to make a lawful decision – for example legal, financial, statutory, and policy implications.*

Scope 14.3 – Proposed to include a provision that requires a source to be cited for any figures and/or statistical data included in a motion.

Rules 14.4 – Proposed to include speech timings for proposer and seconders of motions. The timings are proposed as: Proposer – **8 minutes** to move the motion and **5 minutes** to summate following debate. Secunder – **6 minutes** to second a proposed motion, if the seconder reserves their right to speak, they will still have the 6 minutes at any point during the debate. All other Members will have **5 minutes** to speak to the proposed motion, and **5 minutes** to speak to any proposed amendment.

Rules 14.4 – Proposed to add in a rule stating that *It is not necessary to read the motion in full when moving the motion, providing the motion has been provided in writing to Council.*

Employment Procedure Rules

The Employment Procedure Rules have been revised to ensure they remain fit for purpose and in accordance with legislation and policy.

<p>Part 5 – Members’ Code of Conduct</p>	<p><u>Member Training</u></p> <p>Appendix D – Mandatory Training – Proposed to include provision for flexibility regarding certain mandatory training requirements. For example, if a Member has evidence of recently completing training related to GDPR and Data Protection, it may not be necessary to attend Council arranged training.</p> <p>Any arrangement in this regard would need to be agreed with the Monitoring Officer or Deputy Monitoring Officer(s) on a case by case basis.</p> <p>Mandatory training requirements would remain for committee specific training, including Planning Committee, Licensing Committee, Audit Committee, Chief Officers Employment Committee, and Standards and Personnel Appeals Committee.</p> <p><u>Social Media Policy (Appendix A to this report)</u></p> <p>The Standards and Personnel Appeals Committee developed and approved an updated version of the Members’ Social Media Policy in March 2023. Council is recommended to adopt the revised Policy. Following approval, the Policy will be appended to the Members’ Code of Conduct within the Constitution.</p>
<p>Miscellaneous</p>	<p>Changes will be made throughout the entire Constitution to ensure included information reflects the Council’s most up to date arrangements. This includes changes to job titles (such as the Senior Leadership Team/Assistant Directors) and changes to committee names (such as the new Select Committees).</p>

Implications

Corporate Plan:

The Council strives to ensure effective community leadership through good governance, transparency, accountability, and appropriate behaviours. The Constitution underpins these aims.

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 amendments to the Constitution or make amendments to reflect in year changes. Substantive changes to the Constitution must be approved by the Council.

Finance:

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

Budget Area	Implication
General Fund – Revenue Budget	Not applicable.
General Fund – Capital Programme	
Housing Revenue Account – Revenue Budget	
Housing Revenue Account – Capital Programme	

Risk:

Risk	Mitigation
Failing to regularly review and update the Constitution would increase the risk of failing to adhere to legislation, policy, and practices, and could negatively impact the Council’s decision-making.	The Constitution is reviewed and updated regularly to ensure it remains fit for purpose.

Human Resources:

There are no direct human resources implications resulting from the recommendations within this report. Sections within the Constitution such as the Code of Conduct for Employees and Member/Officer Protocol are regularly reviewed to ensure they remain fit for purpose, with consideration to any HR implications.

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:

None.

Reason(s) for Urgency

None.

Reason(s) for Exemption

None.

Background Papers

None.

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