

Report To:	STANDARDS AND PERSONNEL APPEALS COMMITTEE
Date:	19 MARCH 2024
Heading:	ANNUAL CONSTITUTION REVIEW
Executive Lead Member:	N/A
Ward/s:	N/A
Key Decision:	N/A
Subject to Call-In:	N/A

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 2024.

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 2024

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

As part of this process, each section of the Constitution is circulated to Officers, including:

- Executive Director, Governance and Monitoring Officer
- Corporate Resources Director
- Assistant Director, Legal
- Assistant Director, Democracy
- Assistant Director, Planning
- Service Manager, Commercial Development
- Licensing Manager
- Procurement and Projects Officer

The below table sets out proposed amendments made by Officers in line with changes to policy and legislation. Formatting changes are made throughout the document where necessary. Changes to role titles are changing through the document where necessary.

Part of the Constitution	Proposed Amendments
Part 1 – Summary	No changes proposed.
Part 2 – Articles	Clarification to the exclusions section of the Council's Petition Scheme.
Part 3 – Functions and Delegations	No changes proposed.
Part 4 – Rules of Procedure	Clarification to the exclusions section of the Council's Petition Scheme. <u>Council Procedure Rules –</u> Clarification on the processes relating to Member Questions and Motions On Notice to Council. <u>Contract Procedure Rules –</u> Changes are expected as a result of new procurement legislation. Full details of the changes, and how they will impact the Council's

	Contract Procedure Rules, are not expected to be known until late 2024. The Contract Procedure Rules will be updated accordingly when this information becomes available.
Part 5 – Members’ Code of Conduct	No changes proposed are proposed as part of the Annual Constitution Review. The Standards and Personnel Appeals Committee will consider the Members’ Code of Conduct as part of the Committee’s 2024/25 work plan.
Part 6 – Member/Officer Protocol	No changes proposed.
Part 7 – Allowances	<p>Figures have been updated in line with the latest pay award.</p> <p>5: Inflation - Corrected outdated reference to spinal column 49.</p> <p>Clarification added from the previous Independent Remuneration Panel regarding the Special Responsibility Allowance payable to the Leader of the Main Opposition Group and Deputy Leader of the Main Opposition Group.</p> <p>Amendment to clarify that where a Member is using an electric or hybrid vehicle on an approved duty outside of the District, they are able to claim mileage at Approved Mileage Allowance Payments rates.</p> <p><i>Note: The Independent Remuneration Panel conducted a review of Members’ Allowances in February 2024. The Panel will produce a final report including recommendations on the Council’s Scheme, to be presented to Council in April 2024. The outcome of this may result in further changes to the Members’ Allowances Scheme.</i></p>
Part 8 – Management Structure	The Senior Management Structure chart has been updated to the most current version.
Part 9 – Employees Code	No changes proposed.
Part 10 – Planning Code	No changes proposed.

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:

There are no direct finance implications resulting from the recommendations within this report. The Constitution has been circulated to the Chief Finance Officer as part of the annual review process.

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. The Constitution has been circulated to HR Officers as part of the annual review process.

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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