

**ORDINARY COUNCIL
27 SEPTEMBER 2023**

REPORT TITLE:	Report of the Constitution Work Group (CWG)
REPORT OF:	Claire Mayhew, Joint Acting Up, Director – People & Governance & Monitoring Officer

REPORT SUMMARY

Following a motion at Ordinary Council on 21 June 2023, which stated:-

“The Council notes:

- *‘Chairs Reports and Questions’ at Ordinary Council should provide democratic accountability of its leadership.*
- *Recently, Leaders have chaired PRED committees, allowing a very broad range of questions to be put to them. This may not be the case when a Leader chairs a Policy Committee with a more focused remit, or none at all.*
- *This motion therefore calls for immediate amendment to Procedural Rule 7.2 that limits the scope of questions to (and omits specific inclusion of) the Council Leader.*

This council resolves to:-

1. *Require the council’s leader to be fully involvement in chairs questions sessions across all areas of Council activity to promote public trust, encourage robust discussions, and enable greater scrutiny of actions and policies;*
2. *Introduce with immediate effect changes to fully include the Council Leader in Ordinary Council’s ‘Chairs Report and Questions’ session (to be renamed Leaders and Chairs’ Report and Questions) to cover “all areas of Council responsibility within the council’s area”;*
3. *Request the monitoring officer, in liaison with the Constitution Working Group, to bring forward to the next Ordinary Council the necessary changes Procedural Rule 7 (Chair Report and Questions) to give effect to this change.”*

Under chapter 4, 8.3.7 (a) (i) The motion was referred to an appropriate body (CWG) for consideration with a report being brought back to the next meeting of Council.

RECOMMENDATIONS

- R1 To adopt the Leader's Report under the chapter 4 paragraph 7, 1-3 to form part of the Chair's Reports and Questions within the Constitution.**
- R2 The Monitoring Officer to make the change required to the Constitution with immediate effect.**

SUPPORTING INFORMATION

1.0 BACKGROUND INFORMATION

- 1.1 The Constitution Working Group (CWG) met on the 10 August 2023 to consider the motion.
- 1.2 The CWG discussed the structure of the Leader's Report, and it was recommended that members of the council would benefit from matters that are not captured in Chair's reports or within the business of the Council.
- 1.3 It was suggested that the Leader's Report should focus on updates concerning ASELA, Local Government Association together with the outside organisation which that are a representative, i.e. Brentwood Community Safety Partnership, Armed Forces Covenant Champion, Essex Police and Crime Panel and issues that the Leader of the Council considers applicable.

2.0 REASONS FOR RECOMMENDATIONS

- 2.1 Section 37 of the Local government Act 2000 required that the Council has in place a document, known as its Constitution, which should be regularly reviewed.

3.0 CONSULTATION

- 3.1 No consultation is required in advance of submission of the report. Constitution Working Group propose recommendations to Council for final approval.

4.0 FINANCIAL IMPLICATIONS

Name & Title: Tim Willis, Interim Director – Resources (Section 151 Officer)

Tel & Email: 01277 312500/tim.willis@brentwood.rochford.gov.uk

4.1 There are no direct implications arising from this report.

5.0 LEGAL IMPLICATIONS

Name & Title: Claire Mayhew, Joint Acting Up, Director – People & Governance (Monitoring Officer)

Tel & Email: 01277 312500/claire.mayhew@brentwood.gov.uk

5.1 Local Government Act 2000 Section 37(1) requires a Local Authority to prepare and keep up to date a Constitution. Article 12 of the Constitution provides that a report of the Constitution Working Group should be brought to Ordinary Council with recommendations on the changes required.

6.0 EQUALITY & HEALTH IMPLICATIONS

Name & Title: Kim Anderson, Corporate Manager - Communities, Leisure and Health

Tel & Email 01277 312500/kim.anderson@brentwood.gov.uk

6.1 The Public Sector Equality Duty applies to the council when it makes decisions. The duty requires us to have regard to the need to:

- a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
- b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

6.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for b) or c), although it is relevant for a).

6.3 The proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

7.0 ECONOMIC IMPLICATIONS

Name & Title: Phil Drane, Director - Place

Tel & Email: 01277 312500/phil.drane@brentwood.rochford.gov.uk

7.1 There are no direct implications arising from this report.

REPORT AUTHOR:

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APPENDICES

None

BACKGROUND PAPERS

None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Ordinary Council	20.01.2021