

**ORDINARY COUNCIL**

**13<sup>th</sup> MARCH 2024**

<b>REPORT TITLE:</b>	Revision to the Council’s Constitution
<b>REPORT OF:</b>	Claire Mayhew, Joint Acting Director of People & Governance and Monitoring Officer
<b>REPORT IS FOR:</b>	Decision
<b>WARDS:</b>	All

**REPORT SUMMARY**

The Council is required by Section 37 of the Local Government Act 2000 to keep its Constitution up to date.

In August 2023, the Council began a review of its Constitution. This report outlines to recommendations from the work undertaken by the cross-party Constitution Working Group (CWG). A summary sheet of the amendments is attached at Appendix E.

The Constitution Working Group have reviewed four chapter of the Constitution, remain chapters will be revised and updated accordingly.

Any proposed revisions need to be adopted by Ordinary Council.

**RECOMMENDATION/S**

- R1.** That the Council approves the changes to its Constitution recommended by the Constitution Working Group as set out Appendix A - E with effect from 22<sup>nd</sup> May 2024.:

**SUPPORTING INFORMATION**

**1.0 REASONS FOR RECOMMENDATIONS**

- 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.

2. The Council is responsible for monitoring and reviewing the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect (Article 12.1(a) Duty to Monitor and Review the Constitution).

## **2.0 BACKGROUND INFORMATION**

3. Section 37 of the Local Government Act 2000 requires that the Council has in place a document, known as its Constitution, which contains the Council's standing orders, codes of conduct, and such other information as the Council considers appropriate or required by law.
4. Following the adoption of the new Constitution in May 2013, it is good practice that the Council adopts an annual review to ensure that the Constitution: -
  - (a) set out how the Council works, how decisions are made and the procedures to be followed to ensure that decisions are efficient, transparent and accountable through members to local residents and local communities;
  - (b) be clear about the rules, functions and responsibilities of both members and the council's staff;
  - (c) be clear about the rights which residents have in their dealings with the Council; and
  - (d) be accessible to everyone.
5. Further work was still required on the following areas of the Constitution, these chapters will form the work plan for the new municipal year
  - (a) Planning Committee Procedure Rule – Chapter 5
  - (b) Licensing Committee Procedure Rules – Chapter 5
  - (c) Members' Code of Conduct – Chapter 5
  - (d) Delegations to Staff - Chapter 3 (Part 3.2)
6. The majority of the changes relate to:
  - Removing of gender specific pronouns
  - Updating reference to specific posts/job titles and future proofing for any future changes
  - Updating correct committee titles
  - A detailed process for the submission of petitions

7. To avoid unnecessary printing of the Constitution. A link to the Constitution is available on the Council's website.
8. The Constitution will be kept under regular review by the Monitoring Office in accordance with the Articles in the Constitution. The Financial Regulation and Contract Procedure Rules will need further work as they have only undergone a 'light touch' review. The Section 151 Officer has commissioned a more thorough review of these sections, the result of which will be presented to the Council in 2024/2025 municipal year.
9. Under Part 3, the CWG have recommended changes to the Committee Structure to:
  - 9.1 Staff Employment Committee:** The CWG specified that one committee is established, with two sub-committees; Staff Appointments Committee and Dismissal Committee from its membership.
  - 9.2 Licensing Committee:** The CWG specified that Planning and Licensing Committee have different membership. This will assist and support the need for the Licensing sub-committee.
  - 9.3 Constitution Working Group** – The membership of this working group be removed from the terms of reference for Finance, Assets, Investment and Recovery Committee and will form part of the Terms of Reference of Audit & Scrutiny Committee.
10. A Council's Constitution must by law contain a copy of the Council's current standing orders, a copy of the Council's Member's Code of Conduct and such other information as the Secretary of State may direct and such other information that the Council considers appropriate.
11. The purpose of the Constitution is already set out in Article 1.3 of the current Constitution.
12. Any Constitution should be designed to better facilitate actions, so the at the Council can deliver its expressed vision and its relative and often interrelated corporate priorities.

#### **4.0 RELEVANT RISKS**

13. There is a risk that the Constitution may conflict with legislation. This risk is mitigated by ensuring the Constitution contains the element set out in the modular constitution and the meets the requirement of the ministerial guidance.
14. There is a risk that Councillors and Officers are not aware of their revised provisions contained in the

#### **5.0 CONSULTATION**

15. No consultation is required in advance of submission of the report and items by the CWG with Members to finalise recommendations to Council for final approval.

#### **6.0 FINANCIAL & RISK IMPLICATIONS**

**Name & Title: Tim Willis, Interim Director of Resources (Section 151)**

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

16. There are no direct financial implications from this report. Resources to fund the changes to the constitution have been managed within the Council's existing budget.

#### **7.0 LEGAL IMPLICATIONS**

**Name & Title: Claire Mayhew, Joint Acting Director of People & Governance and Monitoring Officer**

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17. 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.

#### **8.0 ECONOMIC IMPLICATIONS**

**Name & Title: Laurie Edmonds – Corporate Manager (Economic Development)**

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18. The Council is committed to growing the local economy. A clear governance process for determining planning applications aids the role of the local planning authority when supporting economic growth.

## **9.0 EQUALITY & HEALTH IMPLICATIONS**

**Name & Title: Kim Anderson, Corporate Manager (Communities, Leisure and Health) Tel & Email 01277 312500/ kim.anderson@brentwood.gov.uk**

19. The local authority should have due regard to the Equality Act 2010 and in particular Section 149 The Public Sector Equality Duty in the exercise of its functions.

## **11.0 Background Papers**

None

## **12.0 Appendices to this report**

Appendix A	Proposed amendments to chapter 1
Appendix B	Proposed amendments to chapter 2
Appendix C	Proposed amendments to chapter 3
Appendix D	Proposed amendment to chapter 4
Appendix E	Summary of amendments

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