

REPORT TO THE MEETING OF THE CONSTITUTIONAL REVIEW
COMMITTEE ON 8th June 2022

Status:	Public and Not Exempt
Report Title:	Proposed Amendments to the Constitution
Report Author:	Clive Mason: Director; Finance, ICT and Assets
Appendices:	Appendix A: Proposed amendments to the Financial Procedure Rules Appendix B: Proposed amendments, Sealing of Documents
Recommendation:	That the amendments to the Constitution set out in Appendix A and B are considered and recommended to Council for approval and adoption.

1 **Purpose of Report**

Background

- 1.1 As a living document, the Constitution is reviewed regularly to ensure that it remains up to date to reflect good governance as well as any legislative changes that may impact on the interpretation of the Constitution.

Governance

- 1.2 At the meeting of the Audit & Standards Committee (ASC) held on the 2nd March 2022, the Committee considered an Exempt report, entitled “Assets Review”. This review recommended a number of changes to the Constitution in respect of the Acquisition and Disposal procedures (Part 4, Paragraph O) – these changes are detailed in **Appendix A**.

Sealing of Documents

- 1.3 The attesting of the common seal is delegated to “...the Head of Paid Service, or some other person authorised by him or her...” (Constitution, Part 2, Para 14.05), but the Constitution has not been updated to reflect this at Part 5 (a) and (b), the Chairman’s and Vice-Chairmans Protocols respective. These changes are detailed in **Appendix B**.

2 **Reasons for Recommendations**

- 2.2 The Council has to ensure that it has in place a robust Constitution and that it should be reviewed regularly to ensure that all decisions are taken effectively and efficiently within the principles of open and accountable local government. The proposals put forward in this report in respect of:

- Governance (1.2) are as a result of recommendations accepted by the ASC, and
- Sealing of Documents removes an inconsistency within the Constitution and will enable the Council to deliver more efficient services through being able to have more flexible arrangements in the attesting of the common seal which in turn will mean that the decision-making processes will be quicker and more effective.

3 Corporate Priorities

- 3.1 These changes to the Constitution will support Councillors and Officers in the governance of all Council services, thereby the delivery of all the Councils priorities as shown in the [Corporate Plan](#).

4 Financial Implications

- 4.1 None as far as this report is concerned.

5 Risk Management Implications

- 5.1 To ensure sound decision making the authority needs to have in place a robust Constitution.

6 Environmental Implications

- 6.1 None as far as this report is concerned.

7 Legal Implications

- 7.1 The Council is required to have in place a constitution and to ensure that it is up to date and fit for purpose.

8 Equality Implications

- 8.1 None as far as this report is concerned.

9 Community Implications

- 9.1 None as far as this report is concerned.

10 Data Protection Implications

- 10.1 None as far as this report is concerned.

11 Consultation

- 11.1 The changes noted in **Appendix A** have been considered by the Councils Internal Audit Manager and she has confirmed that these meet the requirements of the Asset Review report that was presented to ASC on the 2nd

March 2022. In respect of **Appendix B**, the current Chairman and Vice-Chairman have been consulted and they see this as an improvement in the decision-making process. They made the point that the documents will have been through all the appropriate internal due diligence processes and therefore it is an unnecessary bureaucracy for members to have to make special journeys to sometimes sign one document. They also understand that some local authorities changed this process many years ago.

12 Options Considered

- 12.1 The Council has an obligation to keep its constitution under review. The Committee does not have to recommend any of the proposals set out in **Appendix A** or **B** to Council for consideration and adoption.

13 Background Papers/Previous Reports

- 13.1 Constitution October 2021, and “Assets Review” Exempt report to Audit & Standards Committee, 2nd March 2022.

Information Issued Under Sensitive Issue Procedure: ~~Y/N~~

Ward Members Notified: ~~Y/N/NA~~