

**REPORT TO THE MEETING OF COUNCIL ON 30 JULY 2018**

---

**Status:** Decision

**Title:** Review of the Constitution

**Originator:** Verina Wenham, Head of Legal & Democratic Services & Monitoring Officer

**Where from:** Constitutional Review Committee

**Where to  
next:** Implementation

---

1. Purpose of Report

- 1.1 To invite Members to consider and approve proposed amendments to the Council's Constitution as recommended by the Constitutional Review Committee.

2. Recommendations:

- 2.1 **That the Council considers the proposed amendments recommended by the Constitutional Review Committee as set out in Appendices A, B and C attached to this report;**
- 2.2 **That if the Council approves and adopts the proposed amendments, they shall take effect on 31 July 2018.**

. Summary of Reasons for the Recommendations

- 3.1 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 within the report are the result of the Constitutional Review Committee considering options arising from an independent review of the existing provisions (initially commissioned in February 2014) to ensure that the Constitution remains operationally effective.

4. Impact on Communities

- 4.1 None as far as this report is concerned. The changes proposed are not of a nature which requires public consultation.

## 5. Key Facts

- 5.1 Following the conclusion of the previous review of the Constitution, a revised copy of the Constitution has been provided to all members and has been published on the website. During the collation of the revised constitution it became apparent that three recommendations from the Constitutional Review Committee had not been referred to Council for consideration. These are set out in paragraph 5.2 -5.4 below for consideration by Council.
- 5.2 At its meeting on 27 January 2015 the Constitutional Review Committee recommended changes to Financial Procedure Rule 11 in relation to the financial thresholds for write offs by the Chief Finance Officer (Section 151 Officer). The existing delegation is limited to debts to the value of £1,000. It is recommended by the Constitutional Review Committee that the level is increased to £10,000 which is in line with the officer delegations in place for the other authorities within the Revenues and Benefits Partnership. If the delegation is amended the Executive will continue to receive regular reports regarding the exercise of the delegated authority as well as reports dealing with amounts in excess of £10,000. The revised Financial Procedure Rule is attached as Appendix A.
- 5.3 At its meeting 23 July 2015 the Constitutional Review Committee recommended that an Introduction to the principles of delegation be included as an introduction to Part 3 of the Constitution. This is attached as Appendix B to this report. Members will note that the reference to Corporate Director has been amended to Joint Chief Executive following the decision of Council on 18 June 2018.
- 5.4 At its meeting on 26 April 2016 the Constitutional Review Committee considered the delegations in Part 3 (Responsibility for Functions) Section B.10.1, C1.-9 which deal with the functions relating to community governance and what onward delegation would be appropriate.
- 5.2 It was recommended that the current items 1, 3-6 and 9 should be “no onward delegation” and therefore remain the responsibility of Council. Items 2, 7 and 8 which relate more to the publication and administration around community governance should be delegated to the Electoral Registration Officer. The proposed amendments are set out in Appendix C attached to this report

## 6. Legal Issues

- 6.1 As set out in the body of this report.

## 7. Resource Issues

- 7.1 The costs of the review are being covered within existing resources.

## 8. Equality Implications

- 8.1 None as far as this report is concerned.

9. Impact on the Organisation

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

10. Community Safety Implications

10.1 None as far as this report is concerned.

11. Carbon Management Implications

11.1 None as far as this report is concerned.

12. Risk Management Implications

12.1 None as far as this report is concerned.

13. Consultation

13.1 All the proposals set out in the report have been considered and recommended for approval and adoption by the Constitutional Review Committee.

14. Options Considered

14.1 The Council has a duty to ensure that the Constitution is kept up-to-date and is operationally robust. The Monitoring Officer has delegated authority to ensure that the Constitution is reviewed regularly and the options put forward in this report aims to secure operational effectiveness. Any changes to the Constitution have to be approved by the Council.

15. Background Papers

15.1 Constitutional Review Committee meetings of 27 January 2015, 23 July 2015 and 26 April 2016.

---

**Previous report(s): 25 July 2016. 10 July 2017**

**Information Issued Under Sensitive Issue Procedure: N**

**Ward Members notified: Y/N**

**Appendices:**

- A. Proposed amendments to Financial Procedure Rule 11**
- B. Part 3 – Introduction the Principles of Delegation**
- C. Proposed amendment to Part 3 (Responsibility for Functions) Section B10.1 C1-9**