



Report to:	Council	26 May 2022
Lead Officer:	Monitoring Officer	

Constitution

Executive Summary

1. Full Council at its meeting on the 21 May 2020 adopted a new Constitution, Ethical Handbook, Public Speaking Scheme and Petitions Scheme with effect from the new Municipal Year.
2. The Constitution was subject to a comprehensive review and updating by the Constitution Review Task and Finish Group and was recommended for adoption to Council in May 2020 by the Civic Affairs Committee.
3. The Council, at its annual meeting on the 20th May 2021 considered a report with non-substantive changes to the constitution which were adopted.
4. Article 15.1 of the Constitution requires the Chief Executive and the Monitoring Officer to monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect and the purpose of this report is to propose non substantive changes to the Constitution as detailed in Appendix A with the reasons provided.

Recommendations

5. It is recommended that Council adopts the changes to the constitution outlined at Appendix A and authorises the Chief Executive to make the necessary changes to the constitution.

Reasons for Recommendations

6. The proposed changes will provide clarity to the Constitution and enable the Chief Executive to reschedule meetings where appropriate which will provide an alternative to cancellation.

Details

7. The Chief Executive and the Monitoring Officer are required to monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.
8. At the meeting of full council in May 2020 members considered a report entitled, "Covid-19 - Changes to decision making processes" which approved some amendments to the Standing Orders for remote meetings until such time as the Government restrictions were lifted and it was safe and practicable to return to conventional arrangements for meetings. Also, the Chief Executive was authorised after consultation with the Leader and/or relevant Chair(s), to alter the frequency, move or cancel meetings or to vary the dates and times of meetings, as required.
9. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 which were in place since 4 April 2020 ceased to apply after 7 May 2021 with the effect that the Council were required to hold physical, in-person meetings in any situation where such meetings are required and/or to be held pursuant to the Local Government Act 1972.
10. Given the above, it is necessary to remove the references in Standing Order 28 to remote meetings including "Appendix A Questions by the Public at Remote Meetings".
11. Furthermore, given it is better practice to reschedule a meeting than cancel or abandon or postpone it once it has been validly convened, it is recommended that members give the Chief Executive the ability to reschedule a meeting either before or after the publication of an agenda rather than just the ability to cancel the meeting. The proper course of action would seem to be to hold the meeting as near as possible in accordance with the notice and summons rather than simply cancel the meeting.
12. The other proposed changes as follows;
 - Removing the requirement for members to stand when speaking
 - Reinsertion of the glossary
 - Reinsertion of the links for JDCC
 - Confirmation that the new LGA Code of Conduct replace the old Councillor Code of Conduct originally adopted by full Council in 2012

Options

13. The Council could:

- (a) Adopt the changes to the revised Constitution with or without amendment;
or
- (b) Refer any proposed changes to the Constitution to the Civic Affairs Committee for further review if they thought the amendments entailed substantive changes; or
- (c) Decide that the changes are not necessary.

Implications

14. In the writing of this report, taking into account financial, legal, staffing, risk, equality and diversity, climate change, and any other key issues, the following implications have been considered:-

Legal

15. The Council is required to prepare and keep its Constitution up to date and to make it available to the public, in accordance with Section 37 of the Local Government Act 2000. Additionally, it is required by Section 38 of the Act to have regard to any guidance issued by the Secretary of State.

Equality and Diversity

16. The Council is required by virtue of the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018, to ensure the accessibility of information published on its website. These accessibility requirements were taken into account in reformatting the Constitution.

17. The task and finish group had regard to the equality duty requiring the Council to tackle stereotypes and to consider whether the use of certain language within the Constitution reinforces inappropriate “norms”.

Consultation responses

18. Article 15.2 in the Constitution provides that changes to the Constitution shall only be approved by the Full Council, after consideration of the proposal by the Chief Executive which happened prior to the publication of the report.

Alignment with Council Priority Areas

A modern and caring Council

19. The last major review provided the opportunity to bring the Constitution up to date, to review it against best practice and new accessibility requirements and to consider whether it remains fit for purpose.

Appendices

Appendix A: Proposed Revisions to Constitution

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