

Report of Principal Corporate Governance Officer

Report to Head of Governance and Scrutiny Support

Date: 22nd May 2019

Subject: Annual Review of Constitution

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary of main issues

1. The Monitoring Officer has requested that an annual review of the Constitution be undertaken.
2. Following consideration of recommendations from General Purposes Committee full Council has approved a number of amendments as a result of the annual review.
3. As required by Article 7 and Rule 1.3 of the Executive and Decision Making Procedure Rules, the Leader has presented to Council details of her executive arrangements for the 2019/20 municipal year.
4. Further amendments are required to the constitution as a consequence of the decisions made by Council and the executive Leader, to give effect to legislative changes or for the purposes of clarification.
5. The City Solicitor has sub-delegated authority to amend the constitution in these circumstances to the Head of Governance and Scrutiny Support in his role as Deputy Monitoring Officer.

Recommendations

6. The Head of Governance and Scrutiny Support is requested to approve amendments to the following documents within the Constitution in the form and for the reasons set out in the main body of this report.
 - Article 6 (Appendix A)
 - Article 15 (Appendix B)
 - Council Procedure Rules (Appendix C)
 - Committee Membership (Appendix D)
 - Executive and Decision Making Procedure Rules (Appendix E)

1. Purpose of this report

- 1.1 This report sets out amendments to the constitution necessary to give effect to decisions of Council or the executive, to give effect to legislative change, or for the purpose of clarification.

2. Background information

- 2.1 The Leader approved her executive arrangements for the 2019/20 municipal year on the 15th May 2019. These were reported to Council at the annual meeting on 22nd May.
- 2.2 In addition the annual meeting of Council on 22nd May 2019 approved amendments to the Constitution following recommendations of General Purposes Committee.

3. Main issues

- 3.1 The following amendments are proposed.

Scrutiny Board Alignment

- 3.2 The Leader's executive arrangements require slight amendments to Article 6 to reflect changes to Director's functions as they align to each of the five Scrutiny Boards. Amendments are proposed as shown set out in Appendix A attached to give effect to the Leader's executive arrangements.

Article 15

- 3.3 Council adopted the Protocol for the Nomination of Honorary Aldermen/women for inclusion at part 5 of the Constitution. In addition Council resolved that the City Solicitor be authorised to review and amend the protocol in consultation with Group Whips.
- 3.4 Article 15 sets out responsibility for maintenance of each document within the Council's Constitution. An amendment is proposed as shown at Appendix B attached, to reflect the new protocol in the article.

Council Committees

- 3.5 Council has approved a recommendation to establish an Advisory Committee on Climate Change with membership and terms of reference as set out in the report containing recommendations from General Purposes Committee.
- 3.6 Council also approved substitution arrangements for the committee, details of which are set out in the amended Council Procedure Rules, shown at Appendix C attached.
- 3.7 An amendment is proposed to Section 2B: Membership of Council Committees, shown at Appendix D attached, to include in the schedule a reference to the Advisory Committee on Climate Change and, due to oversight in previous years, reference to the Independent Panel.

Executive and Decision Making Procedure Rules

- 3.8 Council approved an amendment to Article 13 setting out the definition of a Key Decision. Following this amendment, where a previous key decision is amended following call in of that decision the new decision will not be defined as Key and need not therefore be included in the List of Forthcoming Key Decisions.
- 3.9 An amendment is proposed to the Executive and Decision Making Procedure Rules, shown at Appendix E attached, to give effect to this change.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 All recommendations in this report are a result of decisions made by full council or the Leader of council.

4.2 Equality and diversity / cohesion and integration

- 4.2.1 There are no implications for this report.

4.3 Council policies and best council plan

- 4.3.1 There are no implications for this report.

4.4 Resources and value for money

- 4.4.1 There are no implications for this report.

4.5 Legal implications, access to information, and call-in

- 4.5.1 Article 15.2.3 authorises the Monitoring Officer to make any changes to any Part of the Constitution which are required:

- As a result of legislative change or decisions of the Council or Executive to enable her to maintain it up to date;
- Or for the purposes of clarification only.

- 4.5.2 The Monitoring Officer has sub-delegated this authority to the Head of Governance and Scrutiny Support in his role of Deputy Monitoring Officer.

- 4.5.3 This decision is a significant operational decision and will be published on the Council's website.

- 4.5.4 The amendment of the Constitution is a Council function and not open to Call In.

4.6 Risk management

- 4.6.1 The amendments proposed ensure that the Constitution remains up to date and fit for purpose and therefore minimises the risk to challenge to the Council.

5. Conclusions

- 5.1 The proposed amendments all fall within the Monitoring Officer's authority to amend the constitution to give effect to legislation or decisions of Council or the Executive; or for clarification only. Approval of the amendments will ensure that the Constitution remains up to date and fit for purpose.

6. Recommendations

- 6.1 The Head of Governance and Scrutiny Support is requested to approve amendments to the following documents within the Constitution in the form and for the reasons set out in the main body of this report.

- Article 6 (Appendix A)
- Article 15 (Appendix B)
- Council Procedure Rules (Appendix C)
- Committee Membership (Appendix D)
- Executive and Decision Making Procedure Rules (Appendix E)

7. Background documents¹

- 7.1 None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.