

Audit Committee

18 December 2023



Report of: Director – Legal and Democratic Services

Title: Constitution for Committee Model

Ward: All

Officer Presenting Report: Director – Legal and Democratic Services

Recommendations:

That the Audit Committee considers the Constitution for the Committee Model of governance and recommends the Constitution to Full Council for adoption from 6 May 2024.

The significant issues in the report are:

This report provides an overview of the changes required to the Council's Constitution for the Committee model of governance. The detail of the Constitution is set out in the appendices to this report.



1. Summary

This report sets out the detail of the proposed Constitution for the Committee Model of governance which comes into effect on 6 May 2024.

The proposals in this report incorporate changes to the Council's current Constitution as well as new sections where required to reflect the change of governance. Appendix 1 contains the proposed Constitution and Appendix 2 contains the proposed Constitution with the changes from the current Constitution highlighted.

The Audit Committee is invited to comment on the proposed Constitution and then make a recommendation to Full Council to adopt a new Constitution.

2. Overview of Proposed Constitution

The proposed Constitution consists of a number of different parts as follows:

- Part 1 – Summary
- Part 2 – Articles of the Constitution
- Part 3 – Roles and Responsibilities
- Part 4 – Rules of Procedure
- Part 5 – Codes of Conduct
- Part 6 – Members' Scheme of Allowances

Further detail about each of these parts of the proposed Constitution is set out in subsequent paragraphs.

3. Part 1 – Summary

This part of the Constitution provides an introduction to the Council's Constitution. It includes a summary of the different parts of the proposed Constitution.

4. Part 2 – Articles of the Constitution

The Articles of the Constitution set out the framework for the other Parts of the Constitution.

The draft Articles are similar to the current Articles, with the following principal changes.

- References to the Mayor and Cabinet arrangements have been deleted;
- The responsibilities of Full Council as set out in the Local Authorities (Committee System) (England) Regulations 2012 have been included;
- Arrangements for the election of a Leader and Deputy Leader by Full Council have been included;
- The structure of Policy Committees has been included;
- The arrangements for scrutiny have been deleted.

5. Part 3 – Roles and Responsibilities

This part is divided into a number of parts as follows:

- Part 3.1 – Full Council Functions
- Part 3.2 – Terms of Reference and Functions of Committees
- Part 3.3 – Roles and Responsibilities of Councillors
- Part 3.4 – Delegations to Officers
- Part 3.5 – Terms of Reference of Area Committees

The principal points that should be noted in respect of Part 3 are as follows:

- The Full Council Functions complement the responsibilities in Article 4 and bring into one place responsibilities that were previously duplicated in different parts of the Constitution;
- The Terms of Reference and Functions of Committees have been updated to include the Policy Committees and to delete the Scrutiny arrangements;
- The Roles and Responsibilities of Councillors is a new section which reflects the roles and responsibilities that councillors will have under the Committee model;
- The Delegations to Officers bring all delegations into one place;
- The Terms of Reference of Area Committees have been updated to reflect the proposal for 9 Area Committees with a broader range of responsibilities.

6. Part 4 – Rules of Procedure

This part is divided into a number of parts as follows:

- Part 4.1 – Council Procedure Rules
- Part 4.2 – Access to Information Procedure Rules
- Part 4.3 – Policy and Budget Framework Procedure Rules
- Part 4.4 – Officer Employment Procedure Rules
- Part 4.5 – Committee Procedure Rules
- Part 4.6 – Licensing Procedure Rules
- Part 4.7 – Financial Procedure Rules
- Part 4.8 – Procurement Rules
- Part 4.9 – Member Forum Procedure Rules
- Part 4.10 – Petition Scheme

It should be noted that Parts 4.6, 4.7 and 4.8 are not included in the papers for this meeting as no changes are proposed to these parts of the Constitution.

In respect of Parts 4.1-4.5 and 4.9-4.10, the principal changes to note are as follows:

- The Council Procedure Rules have been amended to remove any arrangements that relate to the Mayor and Cabinet. The public forum arrangements have also been updated to provide for responses from the Leader of the Council and the Chairs of Policy Committees;
- The Access to Information Procedure Rules have been updated to reflect the role of Policy Committees in respect of Forward Plans and the deletion of the scrutiny arrangements;
- The Policy and Budget Framework Procedure Rules incorporate the role of the Strategy and Resources Committee and Finance Sub-committee in the preparation of Council's annual budget. There have also been some amendments to the arrangements for the budget setting meeting;

- The Officer Employment Procedure Rules have been amended to ensure that the Chair of the relevant policy committee sits on a Selection Panel for relevant senior officer appointments and there will continue to be a process to raise an objection to senior officer appointments;
- The Committee Procedure Rules have been updated to reflect revised arrangements for public forum, to incorporate specific rules relating to Policy Committees and the procedure for the Escalation Panel;
- The Member Forum Procedure Rules have been updated to provide for the Leader and Chairs of Policy Committee to answer questions in member Forum;
- The Petition Scheme has been refreshed and updated to incorporate the arrangements for petition debates at Policy Committees and Area Committees.

7. Part 5 – Codes of Conduct and Protocols

This part is divided into a number of parts as follows:

Part 5.1 – Member Code of Conduct

Part 5.2 – Code of Conduct for Employees

Part 5.3 – Member-Officer Protocol

Part 5.4 – Code of conduct for member and officers: planning matters

Part 5.5 – Code of conduct for members: Licensing Committee Hearings

Part 5.6 – Code of conduct for members: Public Safety and Protection Committee Hearings

Part 5.7 – Lord Mayor’s Protocol

It should be noted that Parts 5.2 and 5.4-5.7 are not included in the papers for this meeting as no changes are proposed to these parts of the Constitution.

In respect of Parts 5.1 and 5.3 the principal changes to note are as follows:

The Member Code of Conduct has been reviewed by the Value and Ethics Sub-committee and it is recommended that the Local Government Association Model Code of Conduct is adopted by the Council. The Member-Officer Protocol has been updated and this has also been reviewed by the Value and Ethics Sub-committee.

8. Part 6 – Members’ Scheme of Allowances

The Members’ Scheme of Allowances is not included in this report as a separate report from the Independent Remuneration Panel is due to be considered by Full Council on 12 December 2023. The Members’ Scheme of Allowances will be updated following the Full Council meeting on 12 December 2023 and reported to Full Council along with the rest of the Council’s Constitution.

9. Legal and Constitutional matters

The Council needs to put in place an up-to-date Constitution to reflect the governance arrangements under the Committee model. The responsibility for approving the Council’s Constitution is a matter reserved to Full Council.

10. Recommendation to Full Council

That Full Council approves the Constitution for the Committee Model of governance and that it will come into force on 6 May 2024.

Appendices:

Appendix A – Draft Constitution (clean version)

Appendix B – Draft Constitution (including tracked changes)

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

None