

**Constitutional Amendments**

**Timetable**

<b>Meeting</b>	<b>Date</b>
Democracy and General Purposes Committee	19 June 2024
Council	17 July 2024

<b>Final Decision-Maker</b>	Council
<b>Lead Director</b>	Angela Woodhouse, Director of Strategy, Insight and Governance
<b>Lead Officer and Report Author</b>	Ryan O'Connell, Democratic and Electoral Services Manager
<b>Classification</b>	Public
<b>Wards affected</b>	All

**Executive Summary**

This report outlines a proposed amendment to the constitution and also reports a minor amendment made by the Monitoring Officer for noting.

**Purpose of Report**

Decision

**This report makes the following recommendations to this Committee: That:**

1. The proposed amendment outlined in paragraph 2.3 be agreed and recommended to Council; and
2. The use of the Monitoring Officer's delegation to amend the Constitution as outlined in paragraph 2.4, be noted.

# Constitutional Amendments

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<p><b>Impact on Corporate Priorities</b></p>	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> <li>• Embracing Growth and Enabling Infrastructure</li> <li>• Safe, Clean and Green</li> <li>• Homes and Communities</li> <li>• A Thriving Place</li> </ul> <p>We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. However, the Constitution provides a framework for both the Council and the Public to reference in ensuring that decisions are made appropriately, which will support the overall achievement of corporate priorities.</p>	<p>Democratic and Electoral Services Manager</p>
<p><b>Cross Cutting Objectives</b></p>	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> <li>• Heritage is Respected</li> <li>• Health Inequalities are Addressed and Reduced</li> <li>• Deprivation and Social Mobility is Improved</li> <li>• Biodiversity and Environmental Sustainability is respected</li> </ul> <p>We do not expect the recommendations to materially affect the achievement of cross-cutting objectives. However, the Constitution provides a framework for both the Council and the Public to reference in ensuring that decisions are made appropriately, which will support the overall achievement of corporate priorities</p>	<p>Democratic and Electoral Services Manager</p>
<p><b>Risk Management</b></p>	<p>See Section 5 of the report.</p>	<p>Democratic and Electoral Services Manager</p>

<b>Financial</b>	The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation.	Democratic and Electoral Services Manager
<b>Staffing</b>	There are no staffing implications	Democratic and Electoral Services Manager
<b>Legal</b>	<p>The Local Government Act 2000 requires each Local Authority to have a Constitution which should be kept up to date. The Constitution sets out that, unless a specific exception applies, all changes need to be considered by Democracy and General Purposes Committee before being agreed by Council.</p> <p>One exception relates to the Monitoring Officer who has delegated authority to make changes to the Constitution which are necessitated by decisions taken by the Council; which remove inconsistency or ambiguity; which are minor; or to effect changes in the law. (Part A1, 7.2)</p>	Democratic and Electoral Services Manager
<b>Privacy and Data Protection</b>	The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council processes.	Democratic and Electoral Services Manager
<b>Equalities</b>	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Equalities & Communities Officer
<b>Public Health</b>	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Democratic and Electoral Services Manager
<b>Crime and Disorder</b>	No implications	Democratic and Electoral Services Manager
<b>Procurement</b>	No implications	Democratic and Electoral Services Manager

<b>Biodiversity and Climate Change</b>	There are no implications on biodiversity and climate change.	Democratic and Electoral Services Manager
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**2. INTRODUCTION AND BACKGROUND**

2.1 Democracy and General Purposes have responsibility to regularly review the constitution in conjunction with the Monitoring Officer and recommend proposed changes where significant to the Council.

2.2 One issue identified has been outlined in the table below. The use of the Monitoring Officers’ delegation to make a minor correction has also been included so that it is reported to committee as part of its monitoring.

**2.3 Amendment put forward for the Committee to consider:**

**Delete point (i) in Part B4 2.2.3 Joint Transportation Board (JTB)–** to remove the ambiguity of the bullet point, and the interpretation that it restricts Council’s locus to appoint the Chairman (or Vice-Chairman) that it wants to from the membership of the JTB.

**2.4 Minor Amendments and/or Corrections by Monitoring Officer**

Implemented using the Monitoring Officer’s delegation.

<b>Amendment</b>	<b>Location</b>
Part C1, rule 18.2 reference amended to 18.4 to 18.3 (as the correct rule).	Part C1, Rule 18.2

**3. AVAILABLE OPTIONS**

3.1 Option 1 – approve the recommendations and recommend to Council that it makes the change. This option will remove ambiguity from the constitution and leave Council to determine the chairman (or Vice-Chairman) of the Joint Transportation Board.

3.2 Option 2 – Do not recommend any changes to the Council.

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**4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

4.1 Option 1 for the reason specified.

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**5. RISK**

5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council’s Risk Management Framework. The purpose of the change is to add clarity to the process and ensure there is a clear process in place for the removal of the Leader.

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**6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

6.1 The Chairman and Vice-Chairman of the Committee have been consulted on the proposed changes.

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**7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

7.1 If the Committee agrees to recommend the amendment in paragraph 2.3 it will be recommended to Council on 17 July 2024 for approval.

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**8. REPORT APPENDICES**

None

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**9. BACKGROUND PAPERS**

None