

Amendment to the Constitution

Final Decision-Maker	Council
Lead Director	Angela Woodhouse, Director of Strategy, Insight and Governance
Lead Officer and Report Author	Russell Fitzpatrick, Monitoring Officer and Angela Woodhouse, Director of Strategy, Insight and Governance
Classification	Public
Wards affected	All

Executive Summary

This report outlines a proposed amendment to the constitution to introduce a procedure for the removal of the Leader. The report also contains a list of minor amendments made by the Monitoring Officer for noting.

Purpose of Report

Decision

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

1. Council be recommended to approve the amendment to part A2, 7.2 The Leader as set out in Option 1 of this report; and
2. The use of the Monitoring Officer's delegation to amend the Constitution attached at Appendix 1 to the report be noted.

Timetable

Meeting	Date
Democracy and General Purposes Committee	21 June 2023
Council	16 July 2023

Amendment to the Constitution

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<p>Impact on Corporate Priorities</p>	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <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>Director of Strategy, Insight and Governance</p>
<p>Cross Cutting Objectives</p>	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <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>Director of Strategy, Insight and Governance</p>
<p>Risk Management</p>	<p>See Section 5 of the report.</p>	<p>Director of Strategy, Insight and Governance</p>

Financial	The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation.	Director of Strategy, Insight and Governance
Staffing	There are no staffing implications	Director of Strategy, Insight and Governance
Legal	The Local Government Act 2000 requires each Local Authority to have a Constitution which should be kept up to date. Aside from the specific legislative requirements, the document should also include 'such other information as the authority considers appropriate' (LGA 2000, Section 9P(1))	Legal Team
Privacy and Data Protection	The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council processes.	Director of Strategy, Insight and Governance
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Director of Strategy, Insight and Governance
Public Health	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Public Health Officer
Crime and Disorder	No implications	Director of Strategy, Insight and Governance
Procurement	No implications	Director of Strategy, Insight and Governance
Biodiversity and Climate Change	There are no implications on biodiversity and climate change.	Biodiversity and Climate Change Officer

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 It has come to Officer and Member attention during the preparations for the Annual Meeting that the constitution whilst meeting the legal requirements for the removal of the Leader does not contain a specific provision to enable the removal of the Leader should Councillors wish to pursue this. The Local Government Act 2000 states that:

9IA - Executive arrangements by a local authority which provide for a leader and cabinet executive (England) must include provision for the council to remove the executive leader by resolution.

Following a discussion with the Chairman of Democracy and General Purposes, the report sets out an amendment to put in place a specific provision for the removal of the Leader setting out that this should be a motion on notice, signed by at least two Members.

- 2.3 As this report relates to the Constitution, the use of the Monitoring Officers' delegation since the last meeting of the Committee has been included at Appendix 1 for noting. These changes are minor consequential changes following the Committee's review of the constitution in the last municipal year. For example, replacing the term 'Executive' with 'Cabinet'.

3. AVAILABLE OPTIONS

- 3.1 Option 1 - Amend the constitution to insert the additional wording in bold and italics at the end of 7.2 in Part A2.

Part A2

7.2. The Leader

7.2.1. The Leader will be a Member elected to the position of Leader by the Council.

7.2.2. The Leader will hold office until:

- (a) They resign from office; or
- (b) They are no longer a Member; or
- (c) The earlier of: -
 - (i) The fourth Annual Meeting following their election, or
 - (ii) The Annual Meeting following Whole Council Elections

save that the Leader may be removed from Office at an earlier date by resolution of the Council, ***pursuant to a notice of Motion signed by at least two members of the council. Notice of the proposed motion must be given in writing to the proper Officer at least six clear working days prior to the meeting.***

The motion shall take precedence over other items of business

- 3.2 Option 2 - The committee could choose to retain the present wording and make no amendment this is not recommended as the constitution does not contain clear provision for the removal of the Leader.
- 3.3 Option 3 - Recommend different wording to Council to set out how the provision may be enacted.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Option 1 as outlined in para 3.1 of the report
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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 of Democracy and General Purposes has been consulted on the proposed change.
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7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 If the Committee agrees to recommend the change to Part A2 this will be presented to Council for decision on 19 July 2023. If approved the Constitution will be updated and republished online.
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8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix 1: Use of the Monitoring Officer's delegation
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9. BACKGROUND PAPERS

None