

TITLE OF REPORT: Review of the Council's Constitution

REPORT OF: Mike Barker, Strategic Director, Corporate Services and Governance

Purpose of the Report

1. This report asks the Cabinet to recommend the Council to approve a number of amendments to the Constitution.

Background

2. The Chief Executive and Monitoring Officer are required to review the Constitution to ensure that its aims and principles are given full effect. A number of areas have been identified where some amendment is necessary.

Proposal

3. It is proposed to amend the Constitution as set out in Appendix 2.
4. The Constitution will also be amended to make reference to the Strategic Housing Board which was established by the Council earlier this year (see Appendix 3).
5. The Contract Procedure Rules have been revised to remove references to the EU following Brexit and to reinstate a de minimis exception at Rule 5.2.1. These are attached at Appendix 4.
6. The Financial Regulations have been updated to reflect changes to financial regulations, practices and requirements of the Council (see Appendix 5).
7. The appendices refer to some amendments resulting from changes to the management structure and responsibilities. Any other references to the previous service names or job titles in the Constitution will also be updated.

Recommendations

8. It is recommended that the Cabinet ask the Council to agree the proposed changes to the Council's Constitution as set out in Appendices 2 - 5.

For the following reason:

To ensure that the Constitution remains fit for purpose and that its aims and principles are given effect.

Policy Context

1. The Council is required by law (Local Government Act 2000) to prepare and maintain a constitution. Article 16.01 of the Council's Constitution requires the Chief Executive and Monitoring Officer to review the Constitution to ensure that its aims and principles are given full effect.

Background

2. A number of amendments have been drafted which will maintain the effective operation of the constitution, clarify certain aspects and keep it up to date.
3. The proposed amended sections of the constitution are set out in Appendix 2.
4. The Constitution will also be amended to make reference to the Strategic Housing Board which was established by the Council earlier this year (see Appendix 3).
5. The Contract Procedure Rules have been revised to remove references to the EU following Brexit and to reinstate a de minimis exception at Rule 5.2.1. These are attached at Appendix 4.
6. The Financial Regulations have been updated to reflect changes to financial regulations, practices and requirements of the Council (see Appendix 5).
7. The appendices refer to some amendments resulting from changes to the management structure and responsibilities. Any other references to the previous service names or job titles in the Constitution will also be updated.

Consultation

8. No external consultation has been carried out.

Alternative Options

9. No alternative options were considered as the Local Government Act 2000 requires the Council to keep its constitution up to date.

Implications of Recommended Option

10. Resources

- a. **Financial Implications** - The Strategic Director, Resources and Digital confirms that there are no direct financial implications resulting from this report.
- b. **Human Resources Implications** – There are no human resources implications arising from this report.
- c. **Property Implications** – There are no property implications arising from this report.

11. **Risk Management Implication** - There are no risk management implications arising from the recommended option.

- 12. Equality and Diversity Implications** - There are no equality and diversity implications arising from the recommended option.
- 13. Crime and Disorder Implications** - There are no crime and disorder implications arising from the recommended option.
- 14. Health Implications** – There are no health implications arising from the recommended option.
- 15. Climate Emergency and Sustainability Implications** - There are no sustainability implications arising from the recommended option.
- 16. Human Rights Implications** - The Constitution already emphasises that the Council will promote equal opportunities in carrying out its functions
- 17. Ward Implications** - There are no specific area and ward implications arising from the recommended option.
- 18. Background Information** - The current version of the Constitution.