



Telford & Wrekin
C O U N C I L

Addenbrooke House Ironmasters Way Telford TF3 4NT

COUNCIL CONSTITUTION COMMITTEE

Date **Wednesday, 17 February 2021**

Time **6.00 pm**

Venue **Remote Meeting**

Enquiries Regarding this Agenda

Democratic Services	Stacey Worthington	01952 384382
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Lead Officer	Anthea Lowe, Associate Director: Policy & Governance	01952 383200

Committee Membership: Councillors V A Fletcher, I T W Fletcher, C F Smith (Vice-Chair), M J Smith (Chair), B J Thompson, W L Tomlinson and D R W White

AGENDA

5. **Review of the Constitution**

3 - 6

To receive the report of the Associate Director: Policy & Governance and proposals to establish a working group to undertake a review of the constitution.

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TELFORD & WREKIN COUNCIL

COUNCIL CONSTITUTION COMMITTEE 17 FEBRUARY 2021

REVIEW OF TELFORD AND WREKIN COUNCIL'S CONSTITUTION

REPORT OF - ASSOCIATE DIRECTOR: POLICY & GOVERNANCE

**LEAD CABINET MEMBER – CLLR RAE EVANS – CABINET MEMBER:
FINANCE & GOVERNANCE**

PART A) – SUMMARY REPORT

1. SUMMARY OF MAIN PROPOSALS

1.1 The Council is required to have a Constitution setting out the governance framework within which it operates. The Monitoring Officer has delegated authority to make minor amendments to the Constitution; for example, to reflect legislative changes or to correct inconsequential errors.

1.2 Although the Constitution has been updated regularly giving effect to inconsequential amendments, it has been several years since a full review has been undertaken. The purpose of this report is to seek approval to commence a review.

2. RECOMMENDATIONS

It is recommended that the Council Constitution Committee:-

2.1 Approves the commencement of a review of the Council's Constitution;

2.2 Approves the setting up of a Working Group drawn from the Committee membership to undertake the review; and

2.2 Delegates authority to the Monitoring Officer, in consultation with the Cabinet Member: Finance & Governance, to take the initial steps outlined in this report.

3. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Co-Operative Council priority objective(s)?	
	Yes	<i>The Council's Constitution sets out the governance framework within which the Council must operate. It underpins every decision made by the Council and, therefore is relevant to all of the Council's priorities.</i>
	Will the proposals impact on specific groups of people?	
	No	
TARGET COMPLETION/DELIVERY DATE	<i>It is anticipated that the updated Constitution will be presented to full Council within 6 – 12 months.</i>	
FINANCIAL/VALUE FOR MONEY IMPACT	No	<i>There are no direct financial implications arising from the recommendation within this report.</i> <i>TAS 3/2/2021</i>
LEGAL ISSUES	Yes	<i>It is a requirement of the Local Government Act 2000 (Section 9P) for every local authority to prepare and keep up to date its Constitution. There are certain matters which the Constitution must contain. In addition, copies of the Council's Constitution have to be kept available for inspection by the public. In response to these requirements, it is good practice to undertake a substantial review every few years to ensure that all parts of the Constitution remain relevant to the Council's ways of working, legislation-compliant and fit for purpose. IR 05/02/2021</i>
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	
IMPACT ON SPECIFIC WARDS	No	<i>Borough-wide impact</i>

INFORMATION

4.1 Following the introduction of the Local Government Act 2000 (LGA 2000), local authorities were required to adopt a Constitution to include matters such as their code of conduct for members, their standing orders and any other information that the Secretary of State may direct. Prior to this date, Councils had a variety of documents governing the way in which they operated but these were not contained within a single constitutional document.

4.2 The LGA 2000 sets out that the Constitution **must** contain the following:-

- A copy of the authority's standing orders for the time being;
- A copy of the authority's code of conduct for the time being; and
- Such other information as the Secretary of State may direct or the authority considers appropriate

4.3 Councils are also required to have regard to any guidance issued by the Secretary of State. Guidance published by the Secretary of State is now archived and somewhat dated but, it has not been revoked and so it is considered appropriate to have regard to that guidance.

4.4 As mentioned, the LGA 2000 gives power to the Secretary of State to make directions as to the contents of such constitutions. These directions have now been repealed but provide a useful reference point as they contain a handy checklist of the matters that a council was required to include within its Constitution.

4.5 A full review of the Constitution can be a complex and time-consuming exercise. It is proposed that a Constitution Working Group, drawn from members of the Committee is set up to enable research to be carried out, and discussion to take place, on the various elements of the Constitution before a report is presented to the Committee with a recommended updated Constitution. It is proposed that the Group will consider each individual section of the Constitution at a time.

4.6 If the Committee approves the commencement of a review and the creation of a Working Group, it is proposed that the following steps be taken to initiate the process:-

- Scheduling of meetings;
- Identification of proposed timetable;
- Identification of comparator authority constitutions; and
- Identification of proposed consultees for consultation on the first section of the Constitution to be reviewed

4.7 Additional workstreams will be identified for each part of the Constitution that is being reviewed on an ongoing basis.

4.8 It is proposed that the Working Group will prepare a report for consideration by the Committee prior to consideration of the proposed Constitution by full Council.

4. **PREVIOUS MINUTES**

None.

5. **BACKGROUND PAPERS**

<https://democracy.telford.gov.uk/ecSDDisplayClassic.aspx?NAME=Constitution&ID=212&RPID=500465&sch=doc&cat=13224&path=13224>

Report prepared by Anthea Lowe, Associate Director: Policy & Governance, Telephone: 01952 383219