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Telford & Wrekin
Co-operative Council

Protect, care and invest
to create a better borough

Borough of Telford and Wrekin

Council Constitution Committee

Wednesday 5 October 2022

6.00 pm

The Telford Room, Addenbrooke House, Ironmasters Way,
Telford, TF3 4NT

Democratic Services: Rhys Attwell 01952 382195

Media Enquiries: Corporate Communications 01952 382406

Committee Members: Councillors M J Smith (Chair), C F Smith (Vice-Chair),
I T W Fletcher, V A Fletcher, V J Holt, H Rhodes and
W L Tomlinson

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Terms of Reference 2022/23

Cabinet Member:	Cllr Rae Evans - Cabinet Member: Finance, Governance and Customer Services	
Lead Director:	Anthea Lowe - Director: Policy & Governance	
Service Area:	Policy & Governance	
Report Author:	Rhys Attwell - Democracy Officer (Democracy)	
Officer Contact Details:	Tel: 01952 383205	Email: rhys.attwell@telford.gov.uk
Wards Affected:	Not Applicable	
Key Decision:	Not Key Decision	
Forward Plan:	N/A	
Report considered by:	N/A	

1.0 Recommendations for decision/noting:

1.1 It is recommended that the Council Constitution Committee :-

Review and agree the amended Terms of Reference set out at Appendix 1.

2.0 Purpose of Report

2.1 To set out the Terms of References for the Council Constitution Committee as outlined in Appendix 1.

3.0 Background

3.1 The Constitution requires that Full Council should agree at its Annual Meeting the Terms of Reference for each of its Committees to enable the Council to efficiently conduct its business.

- 3.2 At the Annual Meeting of the Council on 19 May 2022, Full Council delegated authority to each Committee to review its own Terms of Reference.
- 3.3 The Terms of Reference forms part of the Constitution and was approved by Full Council in that context on 3 March 2022.
- 3.4 There is one minor change suggested to the Terms of Reference (shown in red on Appendix 1) to provide clarity around the process for appointment of a Chair for the Committee. It notes that the Chair is appointed by Full Council (in line with the Constitution) but sets out that a Vice-Chair may be appointed by a majority decision of the Committee.

4.0 Summary of main proposals

- 4.1 For the Council Constitution Committee to review its Terms of Reference attached at Appendix 1 to clarify the procedure for election of a Chair and Vice-Chair of the Committee.

5.0 Alternative Options

- 5.1 There are no alternative options arising from this report.

6.0 Key Risks

- 6.1 There are no key risks arising from this report.

7.0 Council Priorities

- 7.1 A community-focussed, innovative council providing efficient, effective and quality services

8.0 Financial Implications

- 8.1 There are no financial implications arising from this report.

9.0 Legal and HR Implications

- 9.1 The Constitution requires that Full Council should agree at its Annual Meeting the Terms of Reference for each of its Committees. At the Annual Meeting of the Council on 19 May 2022, Full Council delegated authority to each Committee to review its own Terms of Reference.

The Council's Constitution sets out that the Chair of Committees shall be decided at the Annual meeting of Full Council. Accordingly, the terms of reference for the Committee should mirror these provisions. It is also prescient for the terms of reference to provide clarity on the election of a Vice-Chair for the Committee.

Once the Committee has confirmed its terms of reference, the Monitoring Officer will update the Constitution to ensure consistency of the terms of reference of the Committee. There are no direct legal implications arising from this report.

10.0 Ward Implications

10.1 There are no ward implications arising from this report.

11.0 Health, Social and Economic Implications

11.1 There are no health, social and economic implications arising from this report.

12.0 Equality and Diversity Implications

12.1 There are no equality and diversity implications arising from this report.

13.0 Climate Change and Environmental Implications

13.1 There are no climate change and environmental implications arising from this report.

14.0 Background Papers

1 Council Constitution.

15.0 Appendices

1 Terms of Reference for Council Constitution

16.0 Report Sign Off

Signed off by	Date sent	Date signed off	Initials
Legal	03/10/2022	03/10/2022	RP

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Council Constitution Committee Terms of Reference, Functions, Powers and Duties (including the Hearings Sub Committee)

The Committee has the responsibility and delegated powers to act on behalf of the Council in dealing with the oversight of the Council's ethical governance and decide on the following matters.

TERMS OF REFERENCE

Council Constitution Committee

1. Receive reports from the Monitoring Officer about the operation of the Constitution.

Note - The Monitoring Officer has delegated power to monitor and review the operation of the Constitution, to make minor administrative amendments or make changes to reflect changes in law and report regularly to the Constitution Committee on whether or not it is achieving its purpose or could be amended better to achieve its purpose.

2. Consider proposed changes to any part of the Constitution and, if appropriate, make recommendations to Council to change the Constitution.
3. Annually at the first meeting after the Annual Council Meeting consider its terms of reference.

Note – The Council via the Constitution Committee have delegated the following powers and functions to the Monitoring Officer in consultation with the Chairman of the Committee

- i. To amend the Constitution to correct minor administrative errors,
- ii. To amend the Constitution to update job titles
- iii. To amend the Constitution where legislative changes result in any section of the Constitution being in conflict with any relevant legislation

Provided that the Chairman may decide for any proposed amendments as detailed in paragraphs 1 to 3 above that it be considered by Council Constitution Committee.

4. **The Chair is appointed at the Annual General Meeting of Full Council. A Vice-Chair may be appointed by majority decision of the Committee.**

PROCEDURE

The Committee will be conducted in accordance with the Council's [Committee Procedure Rules](#). NOTE - Separate procedures will apply when the committee is undertaking administrative or quasi-judicial functions.



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Council Constitution Committee

Wednesday 5 October 2022

Constitution Review - Update and Next Steps

Cabinet Member:	Cllr Rae Evans - Cabinet Member: Finance, Governance and Customer Services
Lead Director:	Anthea Lowe - Director: Policy & Governance
Service Area:	Policy & Governance
Report Author:	Richard Phillips - Service Delivery Manager: Legal & Democracy
Officer Contact Details:	Tel: 01952 838241 Email: richard.phillips@telford.gov.uk
Wards Affected:	All Wards
Key Decision:	Not Key Decision
Forward Plan:	Not Applicable
Report considered by:	Not Applicable

1.0 Recommendations for decision/noting:

It is recommended that the Constitution Committee:

1. Note the update on the Constitution Review from 2021;
2. Note the areas which the review of the Consitution for 2022 will cover; and
3. Confirm membership of the Constitution Working Group.

2.0 Purpose of Report

- 2.1 This report seeks to update Members about the review of the Consitution which took place during the last municipal year. It also seeks to scope and set out the areas for review for this municipal year as well as explain some of the proposed changes to formatting. Finally, Members are asked to reconfirm the membership of

the Constitution Working Group who will work with Officers to recommend changes to Committee.

3.0 Background

- 3.1 Members will be aware that a new version of the Constitution was approved at Full Council in March 2022. Since that time, a further version was published on 12 July 2022, which corrected some numbering errors in the Full Council rules of debate as well as revision of some job titles. The current version is available on the Council's website.
- 3.2 The review undertaken in the last municipal year revised some formatting, made changes to reflect the way in which the Council now works (including personnel changes,) updated the Contract Procedure Rules in light of the United Kingdom leaving the European Union and was updated to reflect the Council's corporate branding.

4.0 Summary of main proposals

- 4.1 As part of the ongoing review of the Constitution, some changes have been identified as being desirable to the Constitution to ensure that it is as accessible as possible and reflects the ways in the which the Council works.
- 4.2 Currently the structure of the Constitution is grouped into three parts;
- how the council works;
 - decision making; and
 - governance, scrutiny, oversight and transparency.

On one level, this structure makes sense, in that it easily describes the various activities which the Council undertakes. However, the structure does lead to some Committees being located in sections which don't necessarily reflect the work which they undertake. It also means that often, the terms of reference for a Committee, do not sit within the same section as the Committee itself, which can make the Constitution more difficult to follow.

- 4.3 Many Council's Constitutions are ordered numerically, with more easily digestible sections for each Committee. Were the Council to adopt this way of ordering the Constitution, all of the parts which refer to individual committees would be in one place. The Constitution could be uploaded in whole and also in smaller, downloadable sections, allowing just the relevant section which someone is working from to be open at one time. At present, in its current format, the Constitution does not allow for this way of working.
- 4.4 In addition to the formatting changes, the Director of Finance wishes to review and revise the Financial Regulations contained within the Constitution to ensure that

they are fit for purpose and reflect the way in which the Council operates. Legal Services will support this work.

- 4.5 The review will also seek to ensure that the Committees of the Council are structured and ordered in the most appropriate way to facilitate decision making and ensure transparency. This process will involve canvassing the opinion of Members and Officers from across the Council.
- 4.6 The final element of the review will also seek to consider any recommendations made as a result of guidance which is due to be released by the Centre for Governance and Scrutiny ('CGS'.) The guidance is as a result of the work CGS have undertaken assisting Council's undertake reviews of their Constitutions.
- 4.7 It is envisaged that changes will be presented to the working group for consideration and discussion before the revised version of the Constitution is brought back to the Constitution Committee for consideration of making a recommendation to Full Council to adopt any revised Constitution.
- 4.8 Finally, Members are asked to confirm the membership of the Constitution Working Group so that the review's work can begin in earnest.

5.0 Alternative Options

- 5.1 The Council could choose to not review its Constitution which works well in its current form. However, the issues identified in the report are ones which should be considered in order to ensure that the Constitution works as effectively as possible in being the ultimate source of guidance in the Council. Equally, those who are less familiar with the Constitution would be aided by the proposed changes to format which will make the Constitution more accessible and digestible.

6.0 Key Risks

- 6.1 There are no key risks associated with this report.

7.0 Council Priorities

- 7.1 This report links to the Council being a community-focussed, innovative council providing efficient, effective and quality services.

8.0 Financial Implications

- 8.1 There are no direct financial implications arising from this report.

9.0 Legal and HR Implications

9.1 The Council is required to have a constitution pursuant to the Local Government Act 2000 (as amended.) It is considered good practice to regularly review and revise the Constitution to ensure it meets the needs of the organisation and complies with the ever changing legislative landscape.

10.0 Ward Implications

10.1 There are no specific ward implications arising from this report.

11.0 Health, Social and Economic Implications

11.1 There are no health, social and economic implications arising from this report.

12.0 Equality and Diversity Implications

12.1 The change to the formatting of the Constitution will improve accessibility to those who use screen readers or who have needs around dyslexia or similar.

13.0 Climate Change and Environmental Implications

13.1 There are no climate change and environmental implications arising from this report.

14.0 Report Sign Off

Signed off by	Date sent	Date signed off	Initials
Legal	03/10/2022	03/10/2022	RP
Finance	03/10/2022	03/10/2022	MB
Director	03/10/2022	04/10/2022	ACL