

TELFORD & WREKIN COUNCIL

COUNCIL CONSTITUTION COMMITTEE – 18th JANUARY 2022

REVIEW OF THE COUNCIL'S CONSTITUTION

REPORT OF THE ASSOCIATE DIRECTOR: POLICY & GOVERNANCE

1. SUMMARY OF MAIN PROPOSALS

The purpose of this report is to advise the Committee on the proposed process for the review of the Council's Constitution which will be led by the working group, with support from the Democracy team. The report also sets out the consultative process which will canvass the views and opinions of Officers and Members across the organisation. The review process will lead to a new, revised Constitution being brought to the Committee for approval with the intention that it be recommended to full Council in March 2022.

2. RECOMMENDATIONS

It is recommended that the Committee:-

- 2.1 Notes the process for the review of the Council's Constitution as set out in this report; and
- 2.1 Notes that the revised draft Constitution will be brought back before the Committee for approval for recommendation to full Council.

3. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Co-Operative Council priority objective(s)?	
	Yes	The envisaged changes to the constitution will ensure that it is more accessible and easier to follow. The Constitution sets the framework to facilitate the Council's work to meet corporate objectives.
	Will the proposals impact on specific groups of people?	
	No	
TARGET COMPLETION/DELIVERY DATE	The draft Constitution will be taken to full Council in March 2022.	

FINANCIAL/VALUE FOR MONEY IMPACT	No	There are no direct financial implications arising from this report.
LEGAL ISSUES	Yes	<p>The Local Government Act 2000 requires the Council to have a Constitution. This Committee has been established to review the Constitution and to provide advice and guidance to the Council on any proposed changes.</p> <p>The Council is required to follow the terms of the Constitution in order to act lawfully and reduce the risk of successful legal challenges. Initials and date.</p> <p>RP 11.01.22</p>
OTHER IMPACTS, RISKS & OPPORTUNITIES	Yes	The new revised constitution will ensure that processes are streamlined and reflect the ways in which the Council has adapted its working during the pandemic. It will also take account of the updated post-Brexit framework within which the Council must now operate.
IMPACT ON SPECIFIC WARDS	No	Borough-wide impact

4. The Review

4.1 The Committee will be aware that the Constitution was last reviewed, in full, in 2016 when significant changes were made to it. Since that time, there have been a number of significant changes to legislation and it is necessary to ensure that these are reflected within the Constitution. In the last two years, the Covid-19 pandemic has resulted in changes to the way in which the Council operates. It is also good practice to regularly review the Constitution.

4.2 It is now considered to be a good time to undertake a full review of the Constitution, with the benefit of our collective experience of the past two years, to ensure that it is fit for purpose; containing everything required and also to ensure that it is accessible as possible.

4.3 To that end, officers have identified a number of broad themes across which the Constitution will be assessed and reviewed to ensure it is still fit for purpose. In terms of the broad themes, they are:-

structure;
legal review;

accessibility; and branding.

More information is provided on each of these themes below.

- 4.4 The review process will involve an exercise in seeking suggestions and views from SMT, all Service Delivery Managers, Cabinet and all members. The work will be channelled and reviewed by the working group which Committee will remember was agreed at the last meeting of the Committee in 17 February 2021.

Structure

- 4.5 The Constitution is currently organised in 3 distinct parts; a section covering how the Council works, a section focussed exclusively on decision-making and a final section entitled *Governance, Scrutiny, Oversight and Transparency*.
- 4.6 Whilst the names of the parts might make sense, the Constitution itself is not ordered in a way which makes accessing the relevant rules easy. This can perhaps best be demonstrated by the fact that the Committee Procedure Rules are contained within a different part to the Terms of Reference to the Council's committees.
- 4.7 By reorganising the various disparate sections in to a more coherent and logical flow, it is anticipated that the document will be as usable and accessible as possible.

Legal Review

- 4.8 The Council has navigated the challenges of the Covid-19 pandemic successfully, and it is necessary to ensure that the Constitution reflects the ways in which the Council now works, taking into account legislative changes which occurred since the last full review. Whilst nearly all of these will have been changed using the powers delegated to the Monitoring Officer, there is an exercise to be undertaken to ensure that the Constitution reflects current legislation.
- 4.9 One example of this are the changes to the procurement rules and the replacement for state aid following the UK's exit from the European Union. The review will ensure that the contract procedure rules are fully updated now that the legislation has become clear so that officers can have one point of reference rather than referring to the Constitution and then the updated legislation and guidance issued by the government.

Accessibility

- 4.10 At present, the Constitution is held and presented as a single pdf file on the Council's website. Many local authorities have chosen to break

their Constitution down into smaller sections, allowing users to simply download the section that they require. It means, that when viewing the Constitution, users are not forced to have to scroll through the whole document should they not wish to. It also minimises the need to include links within the entire Constitution to help readers access other relevant sections of the document.

- 4.11 In addition to introducing smaller sections, a new single constitution pdf file will be created with full bookmarks and an index, meaning users who choose to view the whole Constitution online, will find navigation far easier.
- 4.12 A further part of this element of the review will examine the numbering and labelling of each section to ensure consistency and make the Constitution more digestible. For example, in parts of the current document, bullet points are used, meaning that when a user might wish to reference something, they are forced to identify the section by the page number and then count the bullet points. The introduction of clear numbered sections and replacing bullet points with numbers will make referencing articles in the Constitution easier. There are also some inconsistencies within the numbered section, for example, section 8.2 is followed by section 8.1.1.

Branding

- 4.13 The Council has a clear corporate brand which it applies to all of its documents, ensuring consistency across its policies and procedures. At present, the current Constitution does not utilise the corporate identity used throughout the Council. As the Constitution is an important source of the Council's rules and procedures, embracing the corporate identity will further ensure it reflects the Council's ethos and is more easily identifiable as the Constitution of Telford and Wrekin Council.

The Process

- 4.14 The process will involve consultation with both officers and Members. It will seek suggestions for any changes or amendments necessary and consider how best the Constitution can be structured. The Service Delivery Manager – Legal & Democracy will coordinate the work of officers and the review will involve regular meetings with the working group, to update on progress and canvass views as to the suggested changes.
- 4.15 It is envisaged that the consultation and drafting will be complete in time for the new Constitution to be approved at full Council in March 2022.

5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

No additional information required.

6. **PREVIOUS MINUTES**

17 February 2021

7. **BACKGROUND PAPERS**

<https://democracy.telford.gov.uk/documents/s11170/Constitution.pdf>

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