

TELFORD & WREKIN COUNCIL

COUNCIL CONSTITUTION COMMITTEE – 17th February 2022

CONSTITUTION REVIEW

REPORT OF THE ASSOCIATE DIRECTOR: POLICY & GOVERNANCE

1. SUMMARY OF MAIN PROPOSALS

The Committee is asked to note the Constitution Review process which has been undertaken by the Deputy Monitoring Officer and the Members working group. The Draft Constitution appended to this report contains a number of changes to streamline processes and deal with urgent revisions. It is proposed to extend the working group to undertake a more full review considering the overall layout over the next twelve months.

2. RECOMMENDATIONS

- 2.1 That the Committee approves the Draft Constitution at Appendix 1; and
- 2.2 Recommends that Full Council adopts the new Draft Constitution.

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 go to full Council for adoption in March 2022. Following this, a more in depth review will take place over the next 12 months.	
FINANCIAL/VALUE FOR MONEY IMPACT	No	There are no direct financial implications arising from this report.
LEGAL ISSUES	Yes	The Local Government Act 2000 requires the Council to have a Constitution. This Committee has

		<p>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.</p>
OTHER IMPACTS, RISKS & OPPORTUNITIES	Yes	<p>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.</p>
IMPACT ON SPECIFIC WARDS	No	Borough-wide impact

4. The Review

- 4.1 The Deputy Monitoring Officer has collated suggestions from across the organisation, including Member and Officer suggestions. These were fed into the draft document and then discussed and amended as necessary based on the feedback from the Working Group.
- 4.2 Members will note that the draft Constitution shows changes in red text for ease of reference.

The New Draft Constitution

- 4.2 The draft Constitution has been aligned to our new corporate identity and the colour scheme throughout the document has been amended to better reflect the corporate identity. If approved, the headings within the document will also be changed to the red from the corporate colour palette. This has not been done yet, so that there is no confusion with parts of the draft which have been changed.
- 4.3 In terms of the changes, they are set out below:
- i. A note has been added at page 3 to the document on the index page to highlight the ability of all users to use hyperlinks to navigate the document. Once the new draft is approved, these will be revised and checked. In addition, the page numbers in the index will also be revised;
 - ii. At page 15, Statutory Officers are now named, making it easier for user of the document, including the general public to identify who holds which statutory

post. Given the addition of the names, the presentation of the Chief Officer delegations have also been simplified with specific job titles being removed to avoid duplication and ensure less modification is required in future should personnel change;

- iii. At page 16, the Head of Paid Service has been given the power to make any necessary administrative changes to the Constitution in the absence of a Monitoring Officer. This provision is for administrative convenience;
- iv. At page 28 a new catch-all provision has been added to clarify that should an officer's job title have changed but they still have responsibility for a particular service area, their delegation under the Constitution is unaffected. Equally, the catch all now covers situations where responsibility for a particular service area has changed, ensuring continuity of Officer ability to exercise delegated powers;
- v. At page 37, a response time of 5 minutes has now been provided in the Rules of Debate for questions from a member of the public. This is to ensure that on important matters, a full response can be provided. The option to also reply in writing has been conserved;
- vi. At page 41, a provision has been made to make it clear that a Member may not vote upon an item if they have not been present for the entirety of the debate on that item. This reflects probity and the practices of good governance;
- vii. At page 50, the calculation of political balance has been clarified. It will be calculated to decimal points and non-aligned members will be allocated seats in accordance with the legislation governing political balance;
- viii. At pages 59-60, changes have been made to the terms of reference to Scrutiny Management Board to reflect actual current practice in respect of the direction of resources. Urgent key decisions which are not required to be published can now be approved in consultation with the Chair for administrative convenience;
- ix. At page 91, reference to the EU Procurement regime has been removed from the Financial Procedure regulations and signing of contracts has been removed as this is explicitly covered in the Contract Procedure Rules;
- x. At pages 104-118, the Contract Procedure Rules have been updated and amended to reflect the new legislative regime following the UK's withdrawal from the European Union;
- xi. Page 133 of the existing Constitution has been removed. It was called Annex C of the Members Code of Conduct but actually was the scoping document used by the LGA in the review for the adoption of a model code of conduct. The contents are entirely covered by the Code of Conduct itself;

- xii. The Members Allowances at page 134 have been updated to reflect current values along with a new delegation to the Head of Paid Service, Chief Financial Officer and Monitoring Officer to update the table as the allowances change;
- xiii. The Member/Officer protocol has been bolstered at page 137 with provisions about the criticism of Officers in public meetings. This accords with the respect agenda set by the new model Code of Conduct and reflects the fact that Officers are unable to respond to personal criticisms made at a public meeting. Such conversations could take place in private, either with the Officer or their Director. The right to make general criticism is retained and this applied solely to personal criticism which singles out a particular officer; and
- xiv. At page 140, paragraph 4 has been amended so that it reads well and makes sense. This relates to the appointment of Directors and Statutory Officers. There have been no changes made to the actual meaning of the provisions.

The Future

- 4.3 Following adoption of the revised Constitution, it is proposed to continue the working group to revise the Constitution further and consider its overall structure, looking to streamline decision making further.

5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

No additional information required.

6. BACKGROUND PAPERS

None

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