



Borough of Telford and Wrekin

Governance Committee

Wednesday 12 July 2023

Constitution Update Report

Cabinet Member:	Cllr Nathan England - Cabinet Member: Finance, Customer Services and Governance
Lead Director:	Anthea Lowe - Director: Policy & Governance
Service Area:	Policy & Governance
Report Author:	Richard Phillips – Service Delivery Manager: Legal & Democracy
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Wards Affected:	All Wards
Key Decision:	Not Key Decision
Forward Plan:	Not Applicable
Report considered by:	Governance Committee – 12 July 2023

1.0 Recommendations for decision/noting:

It is recommended that the Governance Committee:

- 1.1 Recommend that Full Council agrees and adopts the revised Constitution at Appendix A.

2.0 Purpose of Report

- 2.1 The purpose of this report is to update Members on the ongoing work to review the Constitution and to seek approval to recommend adoption of the revised Constitution by Full Council.

3.0 Background

- 3.1 Governance Committee has responsibility for oversight of the Council's Constitution which is maintained by the Monitoring Officer. The Constitution governs the way in which the Council works and who makes which decisions. It is a legal requirement for the Council to maintain an up to date Constitution.

4.0 Summary of main proposals

- 4.1 The changes set out in the Draft Constitution at Appendix A are shown in red.
- 4.2 The first change is the insertion of Simon Froud as the new Director: Adult Social Care and the Statutory Director of Adult Social Services.
- 4.2 As the Council is now moving out of Addenbrooke House, the addresses in the Constitution have been amended to show Darby House as the Council's main address for correspondence.
- 4.3 In line with the creation of the Governance Committee to oversee the Constitution, Standards of Conduct of Elected Members and Member Development, the Constitution has been amended to set out the new Terms of Reference and amalgamated references to the former Council Constitution Committee and Standards Committee.
- 4.4 Following their approval at Health and Wellbeing Board on 22 June 2023, the new revised terms of reference for Health and Wellbeing Board have been inserted in to the Constitution.
- 4.5 The Cabinet rules have been amended to make it clear that the Council rules of debate apply to the meeting, bringing Cabinet in line with all of the Council's other committees and ensuring clarity and consistency in meeting procedure.
- 4.6 By agreeing to recommend Full Council adopt the revised Constitution, the changes above will take effect.

5.0 Alternative Options

- 5.1 Governance Committee could decide not to recommend the changes set out above to Full Council. However, in light of the changes made to the Committee structure and the terms of reference for a number of committees, the Constitution would not reflect the way in which the Council works. As a result, the Council may be found to be in breach of its duties to maintain an up to date Constitution pursuant to the Local Government Act 2000.

6.0 Key Risks

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

7.0 Council Priorities

- 7.1 The report supports the Council's values that are embedded in the delivery of all of the Councils' priorities.

8.0 Financial Implications

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

9.0 Legal and HR Implications

9.1 The Local Government Act 2000 requires the Council to have a Constitution. Governance Committee has oversight of the Constitution and is empowered to provide advice and guidance to the Council on any proposed changes. The Council is required to follow the terms of the Constitution in order to act lawfully and reduce the risk of successful legal challenges.

10.0 Ward Implications

10.1 There are no direct ward implications directly arising from this report.

11.0 Health, Social and Economic Implications

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

12.0 Equality and Diversity Implications

12.1 There are equality and diversity implications arising directly from this report.

13.0 Climate Change and Environmental Implications

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

14.0 Background Papers

None

15.0 Appendices

A Draft Constitution July 2023

16.0 Report Sign Off

Signed off by	Date sent	Date signed off	Initials
Legal	03/07/2023	03/07/2023	RP