



Borough of Telford and Wrekin

Governance Committee

Thursday 5 October 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 – 5 October 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 to clarify the powers of Full Council in respect of areas where Boundary Review Committee does not have delegated authority to act.
- 4.2 The Constitution has been amended throughout to ensure that any reference to former Committees has been removed, and replaced with the current Committee which now has authority in a particular area.
- 4.3 The numbering of the responsibility for functions section has been clarified and amended so to be more clear when read.
- 4.4 A new flowchart has been added to make the process of debating motions and amendments clear.
- 4.5 The rules of debate have been clarified to ensure that debate focusses on the motion or amendment being discussed at the present time.
- 4.6 Hyperlinks have been checked and ones which are no longer required have been removed.
- 4.7 Language has been added to clarify the position in relation to Scrutiny co-optees.
- 4.8 Finally, general formatting has taken place to ensure consistent numbering of paragraphs.

5.0 Alternative Options

- 5.1 Governance Committee could decide not to recommend the changes set out above to Full Council. However, 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

Review of Audit Committee's Terms of Reference

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 September 2023

16.0 Report Sign Off

Signed off by	Date sent	Date signed off	Initials
Legal	27/09/2023	28/09/2023	RP