

22 NOVEMBER 2016

REPORT OF THE MONITORING OFFICER

ANNUAL REVIEW OF THE CONSTITUTION 2016 17

1.0 PURPOSE OF REPORT

- 1.1 To consider an annual review of the Council's Constitution and any amendments for onward referral to the Council for approval as well as note changes to the Constitution approved by the Council since May 2015.

2.0 RECOMMENDATIONS

- 2.1 **To approve the proposed actions as set out at Appendix A including the documents listed below in the number order that they appear and refer the same to the Council for adoption :-**

- A1 Updated Part 1 - Summary**
- A2 Updated Part 2 - Articles**
- A3 Updated Part 3 – Responsibility for functions**
- A4 Updated Part 3 – Delegations to Officers**
- A5 Updated Part 4 - Rules of Procedure**
- A6 Revised Contract Procedure Rules**
- A7 Updated Part 5 - Codes & Protocols**
- A8 Revised Substitute Policy**
- A9 New Personal Safety of Members Policy**
- A10 Updated Part 8 - Performance Management**
- A11 Updated Part 10 - Whistleblowing Policy etc**

- 2.2 **To note the items which were approved for inclusion in the Constitution at Council Meetings since May 2015 and which are set out at Appendix B.**

- 2.3 **To note that due to the Constitution being a living document there may be requirements for changes within the year. Therefore as well as the annual review, items will continue to be referred to the Committee as these arise.**

- 2.4 **To note that the Monitoring Officer has delegated authority to make amendments following legislative or other statutory changes and minor procedural and operational changes. Such changes will be reported to the Governance Committee and subsequently the Council, as soon as practicable thereafter.**

3.0 KEY ISSUES

- 3.1 To ensure that the Constitution is up to date, an extensive review of the Constitution for 2016/17 has been carried out. These proposed changes are set out in a table for the Committee's consideration at Appendix A together with the reason for the change and a proposed action. The associated document appendices attributable to the relevant item within Appendix A are also enclosed and are numbered accordingly.

3.2 The Committee is to refer its recommendations for amending the Constitution to the Full Council for approval and inclusion in the Constitution.

3.3 Whilst considering this review of the Constitution, the Committee is also requested to note the items previously adopted for inclusion in the Constitution at Council Meetings since May 2015 and these are set out at Appendix B.

3.4 As well as this annual review, it is current practice that as the Constitution is a living document any additions or changes are brought to the Committee's attention as soon as these come to light to enable the Council's work to move forward and the Constitution to be as up to date as possible. The Council's Management Team and T3 (Third Tier Officer Group) are involved in updating their respective areas of the Constitution.

4.0 **POLICY AND CORPORATE IMPLICATIONS**

4.1 Due to the Constitution being a living document there are times when amendments are needed to enable the organisation to function efficiently. Therefore items will be referred to the Committee as required.

4.2 The regular reviews and updates to the Constitution and ensuring it is up to date on its decision-making processes supports the Council's priority for being an 'Agile Council'.

5.0 **FINANCIAL AND OTHER RESOURCE IMPLICATIONS**

5.1 Any financial and resource implications will be met from existing resources.

6.0 **LEGAL IMPLICATIONS/POWERS**

6.1 Any change in legislation overrides the current wording of the Constitution and the Monitoring Officer has delegated authority to make amendments following legislative or other statutory changes and minor procedural and operational changes. Such changes will be reported to the Governance Committee and subsequently the Council, as soon as practicable thereafter.

7.0 **COMMUNITY SAFETY**

7.1 There are no community safety implications relating to this report.

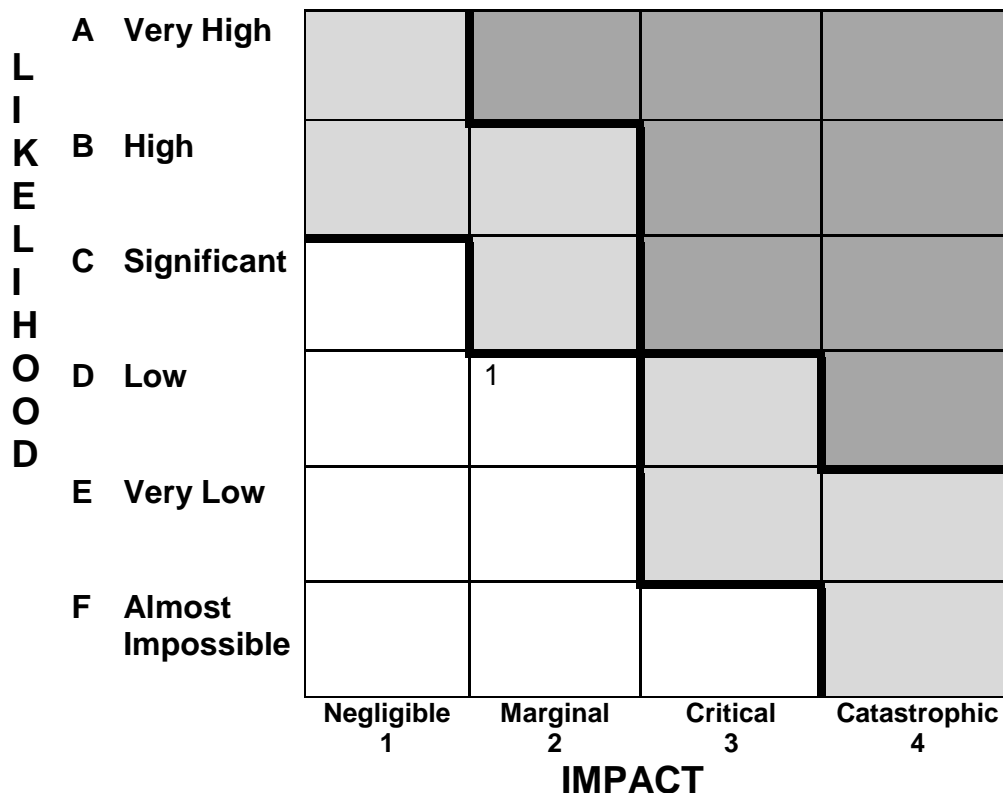
8.0 **EQUALITIES**

8.1 Equalities Screening Assessments have been drafted on the items within the report and most items presented relate to the legality of decision-making.

9.0 **RISKS**

9.1 The risks associated with report are considered to relate to following legal and constitutional procedures in decision-making.

9.2



Risk No	Risk Description
1	Decisions challenged due to appropriate processes not followed.

10.0 CLIMATE CHANGE

10.1 The Constitution is available on the Council’s website and electronically to Members and Officers to meet the Council’s corporate commitment to meet green targets.

11.0 CONSULTATION

11.1 As well as the internal consultation for this annual review with MT and T3, there is regular internal consultation with Management Team and T3 to ensure the Constitution reflects the Council’s current responsibilities and arrangements.

12.0 WARDS AFFECTED

12.1 All wards are indirectly affected by this report.

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Date: November 2016

- Appendices :
- Appendices : Appendix A List of new items for consideration
 - Appendix A1 Updated Part 1 - Summary
 - Appendix A2 Updated Part 2 - Articles
 - Appendix A3 Updated Part 3 – Responsibility for functions
 - Appendix A4 Updated Part 3 – Delegations to Officers
 - Appendix A5 Updated Part 4 - Rules of Procedure
 - Appendix A6 Revised Contract Procedure Rules
 - Appendix A7 Updated Part 5 - Codes & Protocols
 - Appendix A8 Revised Substitute Policy
 - Appendix A9 New Personal Safety of Members Policy
 - Appendix A10 Updated Part 8 - Performance Management
 - Appendix A11 Updated Whistleblowing Policy etc

Appendix B List of Items previously approved at Full Council since May 2015

Background Papers: Constitution 2015/16 and 2016 17

Reference : X : Committees\Governance\2016 17\221116\Review of the Constitution 2016 17