

Amendments to the Council's Constitution

Report of the Corporate Portfolio Holder

Recommended:

- 1. That the Council's Constitution be amended as shown in Annex 1 to the report.**
- 2. That amendments to the Council's Constitution as set out in Annexes 2 and 3 be noted.**

SUMMARY:

- A number of amendments have been proposed to the Council's Constitution to reflect updates to legislation. .
- This report seeks approval for the proposed changes to be made to the Constitution.
- The Council's Constitution (Article 14.3) permits the Monitoring Officer to make changes to the Constitution in certain circumstances subject to reporting those changes to Full Council.
- A number of such amendments have been made to by the Monitoring Officer who now reports these changes to Council.

1 Introduction

- 1.1 The Council's Constitution underpins all of the Council's areas of activity and therefore ensuring it reflects current legislation and working practices is important.

2 Background

- 2.1 Since the Constitution's adoption, it has remained under review in accordance with Section 37 of the Local Government Act 2000.
- 2.2 This report sets out proposed amendments to the Constitution to reflect required changes and updates Council on changes made by the Monitoring Officer under delegated authority.

3 Details of amendments

- 3.1 Where relevant, comments are included in the margins of the Annexes to the report. An Overview of changes are detailed below.

- 3.2 **"Proper Officer" Appointments**
- 3.3 A number of changes have been made to the Proper Officer Appointments.
- 3.4 The data protection officer has been changed from Corporate Director to Head of Legal and Democratic Services. This change reflects the introduction of GDPR legislation.
- 3.5 Changes have been made to incorporate the Council's responsibilities under the following Acts as shown in Annex 2:
- Local Government Act 1972, Section 270 (3) as amended Public Health (Control of Disease) Act 1984, Section 74 as amended and regulations made thereunder,
 - Health Protection (Local Authority Powers) Regulations 2010,
 - Health Protection (Notification) Regulations 2010.
- 3.6 The removal of the Public Health (Control of Disease) 1984 and the Public Health (Infectious Diseases) Regulations 1988 which have been repealed.
- 3.7 **Council Procedure Rules and Overview and Scrutiny Procedure Rules**
- 3.8 Article 14.3 permits the Council's Monitoring Officer to make certain changes to the Council's Constitution without prior reference to Council subject to reporting those changes to full Council.
- 3.9 The Monitoring Officer has made certain amendments of the type described above and requests that Council notes those changes.
- 3.10 Both sets of procedure rules have been updated to correct the numbering of provisions which can be seen in Annexes 2 and 3.
- 4 Corporate Objectives and Priorities**
- 4.1 Maintaining and improving the Constitution to reflect current legislation and the broader agenda of local government is essential in order to deliver effective and lawful decisions in the day to day implementation of the Corporate Plan.
- 5 Options**
- 5.1 There are two options:
- 5.2 Option 1. Do not update the Constitution. In which case it will not reflect current practice and the latest legislation.
- 5.3 Option 2. To update the Constitution as set out in Annexes 1-3 of the report to reflect updated legislation and current practice.

6 Option Appraisal

- 6.1 Option 1 is not recommended. Failure to update the Constitution to reflect current legislation or to ensure clarity in the authority and execution of decision-making could mean that the Council may be subject to legal challenge or that any legal action taken under these regulations would be invalid.
- 6.2 Option 2 is recommended and allows the Constitution to be updated to ensure it remains effective.

7 Risk Management

- 7.1 A Risk Management questionnaire has been completed and indicates this report does not require a risk assessment because the changes/issues covered by this report are not significant in terms of risk or have previously been considered.

8 Resource Implications

- 8.1 None

9 Legal Implications

- 9.1 Section 37 of the Local Government Act 2000 requires the Council to keep its Constitution under review. The lack of an up to date and effective Constitution could increase the risk of governance failures.

10 Equality Issues

- 10.1 An Equality Impact Assessment of the matters in this report is not required as no potential for unlawful discrimination and/or low level or minor negative impact have been identified.

11 Other Issues

- 11.1 None are identified

12 Conclusion and reasons for recommendation

- 12.1 This report seeks approval for those changes which are required in order that the Constitution reflects accurately operational changes within the organisation, established practice and current law.
- 12.2 The proposed changes to the Constitution will ensure that the Council is able to continue to operate in an effective and efficient manner.

Background Papers (Local Government Act 1972 Section 100D)

None

Confidentiality

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

No of Annexes:	3	File Ref:	N/A
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(Portfolio: Corporate) Councillor T Tasker

Officer:	Karen Dunn	Ext:	8401
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Report to:	Council	Date:	10 June 2020
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