

Council



14 December 2023

Title	Amendments to the Constitution
Purpose of the report	To agree the proposed changes to the Council's Constitution
Report Author	Farida Hussain, Group Head of Corporate Governance
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	N/A
Corporate Priority	This item is not in the current list of Corporate Priorities but still requires a Council decision
Recommendations	Council is asked: Approve the proposed amendments to the Constitution as set out in this report and attachments and authorise the Group Head Corporate Governance to update the Constitution accordingly.
Reason for Recommendation	To ensure that the Constitution is an effective document for the operation of a Committee System.

1. Summary

1.1 This report seeks Council to approve proposed amendments to the Constitution which have the support of the Committee System Working Group.

2. Key issues

2.1 The Committee System of governance was adopted by this Council on 27 May 2021. Council agreed changes to those Parts of the Constitution which were needed in order to operate the Committee system on 25 March 2021. A review of the remaining Parts of the Constitution was undertaken in early 2022 and amendments agreed in July 2022.

2.2 The Local Government Association (LGA) Corporate Peer Challenge of Spelthorne Borough Council in November 2022 explored Council governance issues as part of its remit. One of the peer teams' key recommendations was for the Council to undertake a review of the working of the committee system by looking at best practice elsewhere, to consider how to create a system that is fit for purpose (Recommendation 9). Officers looked at best practice, as suggested by the LGA, in the Constitutions of the Royal Borough of Kingston and Sutton Borough Councils.

- 2.3 One area of detail that the peer review team suggested could be included in this review of the committee system was the number of committees. This aspect is being considered separately from the matters which are the subject of this review, and a report on the committee structure will be brought to a future meeting of the Committee and ultimately Council.
- 2.4 Since the last review in 2022 and in addition to those aspects raised by the peer review team, both officers and councillors have raised other issues which need clarification in the Constitution by the amendment or addition of words. It is hoped that the proposed amendments will provide clarity to officers, members and the public alike on the operation of the committee system. Other changes are intended to improve transparent and inclusive decision-making.
- 2.5 The proposed changes to the Constitution were discussed with the Committee System Working Group on 1 November. The Working Group supported the changes proposed in this report, in principle.

3. Constitutional amendments

- 3.1 Attached at **Appendix 1** is a summary of all the amendments which are recommended for approval. The amendments relate to a number of the Parts which make up the Constitution. Clean copies of these amended Parts are attached as appendices. Tracked change versions of these documents are available to Members in the Mod.Gov app library.

4. Timetable for implementation

- 4.1 The amendments will take effect upon agreement by Council.

Background papers: There are none.

Appendices:

Appendix 1 – Summary of proposed amendments
Part 1 - Introduction to the Constitution
Part 2 – Article 5, The Mayor
Part 2 – Article 10, The Officers
Part 3 (b) – Terms of Reference of Committees
Part 3 (d) – Delegations to officers
Part 3 (f) – Roles of Different Councillors
Part 4 (a) – Council Standing Orders
Part 4 (c) – Substitution Scheme
Part 4 (e) - Contract Standing Orders
Part 4 (g) – Access to Information Rules
Part 4 (i) – Procedure Rules for Task and Working Groups
Part 5 (a) – Councillor Code of Conduct
Part 5 (d) – Planning Code
Part 5 (h) – Monitoring Officer Protocol
Part 5 (k) – Conflicts of Interest
Part 5 (m) – Disclosure and Barring Checks