



1. PURPOSE OF REPORT

- 1.1 To recommend updates to the Constitution in line with changing legislation, Corporate Operations Board restructure and resulting change in duties and a general review of content, clarity and consistency.
- 1.2 All substantive changes are listed in this report and the appendix. A copy of the Constitution with all recommended changes highlighted is available in the Members' Room or from the Democratic Services Officer on request.

2. RECOMMENDATION

- 2.1 That Council approves the changes to the Constitution listed in paragraph 3.4 of this report and detailed in the appended schedule.

3. BACKGROUND TO THE REPORT

- 3.1 The Constitution is updated regularly to reflect changes in legislation, and on an annual basis a full review is undertaken to ensure consistency throughout and to provide the opportunity to give consideration to all parts of the Constitution and their continuing relevance. If the review shows that changes are required, these changes are recommended to Council.
- 3.2 Some amendments to the Constitution have been agreed as part of other reports to Council throughout the year and are included here for clarity and are not for adoption. These include requiring recorded votes on precept-setting (minute 413, 20 February 2014, refers), changes as a result of the Anti-social Behaviour, Crime and Policing Act 2014 (minute 182, 23 September 2014, refers) and amendments to the Finance & Contract Procedure Rules (minute 292, 16 December 2014, refers).
- 3.3 Any amendments agreed as part of other reports to this meeting will also be incorporated.
- 3.4 General changes throughout the Constitution have been made as follows:
- Chief Officer titles and change of duties as a result of the restructure (minute 291, 16 December 2014, refers) and for consistency
 - Correct some titles of committees that had been missed previously and ensure consistency of delegation, particularly with regard to appointing Chief Officers
 - Delegation of some operation personnel functions from Chief Officer to HR & Transformation Manager as a more appropriate level of delegation
 - Change of some duties to Legal Services Manager (from Chief Officer (Corporate Governance & Customer Engagement) where a legal qualification is required to undertake duties
 - Removal of Emergency Committee as the Emergency Planning function is now managed by Major Incident and Member Plans
 - Some references to Ethical Governance & Personnel Committee have been amended to ensure consistency with other ordinary committees as the name was changed from 'Standards Committee' in 2012 with the new regime, but some related information was not amended at the time.

3.5 More substantive proposed amendments are detailed on the appended schedule.

4. FINANCIAL IMPLICATIONS (IB)

4.1 Amendments to the Finance and Contract Rules have already been agreed by Council on the 16 December 2014.

4.2 No other financial implications arising directly from this report.

5. LEGAL IMPLICATIONS (EH)

5.1 A two thirds majority is required to make changes to the constitution. Changes are required to ensure that the Council and its officers have the legal power to act and make necessary decisions.

6. CORPORATE PLAN IMPLICATIONS

6.1 The recommendations contained within this report support all corporate visions, aims and objectives in ensuring effective operation, decision making and compliance with legislation to enable provision of services across the borough.

7. CONSULTATION

7.1 Those members and officers affected by the recommended changes have been consulted.

8. RISK IMPLICATIONS

8.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

8.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

8.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Failure to maintain an up to date constitution resulting in possible breaches of legislation	Undertake annual reviews and ensure relevant officers input into the reviews and members are aware of changes	Monitoring Officer
Lack of awareness of provisions of the Constitution and decision making processes	Ensure members and officers are aware of the provisions and receive unified advice.	Monitoring Officer / Democratic Services Officer

9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

9.1 The recommendations contained within this report will not affect any particular group or community. The maintenance of the Constitution and provisions therein aim to support all who live, work, visit or are educated within the borough and to regulate

decision making and ensure powers are in place to provide services appropriate for and accessible to all.

10. CORPORATE IMPLICATIONS

10.1 By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Human Resources implications
- Planning Implications
- Voluntary Sector

Background papers: None

Contact Officer: Rebecca Owen, Democratic Services Officer, ext 5879

Executive Member: Councillor Bron Witherford.