

COUNCIL	DATE 25.11.2020	ITEM NO 14
TITLE Proposed changes to Part 2 of the Constitution	WARD (S) Not applicable	
CHIEF OFFICER Director of Legal Services/Monitoring Officer	CABINET MEMBER Leader of the Council	
DECISION CLASSIFICATION Non-exempt report	IS THE FINAL DECISION ON THE RECOMMENDATIONS IN THIS REPORT TO BE MADE AT THIS MEETING? Yes	

1. **Decision required**

This report makes the following recommendations to the decision-maker.

Council is requested to:

- 1.1 Approve the changes to Part 2 of the Constitution set out in Appendix B.

2. **Introduction and Background**

2.1 The Monitoring Officer is responsible for maintaining an up-to-date version of the Constitution. Article 15.02(a) of the Council's Constitution states that Full Council may change the Constitution, but only after considering a proposal by the Monitoring Officer.

2.2 The Monitoring Officer has established a four year rolling review of the Constitution in order to ensure that the overall Constitution is kept up to date. Any changes which are required outside of the programme will be brought forward to Full Council separately.

2.3 A Constitution Review Working Group has been set up to provide a sounding board and discussion forum for the Monitoring Officer's proposed changes to the Constitution before they are submitted to Full Council. The Working Group is an advisory group with no formal decision making powers. It sits outside the Council's Constitution.

2.4 The membership of the Working Group is as follows:

- Leader of the Council
- Chief Whip

- Chair of Overview & Scrutiny Committee
- Leader of the Opposition or nominated representative
- Monitoring Officer
- Head of Corporate Governance
- Other Officers and/or Members may attend as appropriate depending upon the subject matter being discussed

2.5 The Monitoring Officer is proposing a number of changes to Part 2 of the Constitution. Part 2 contains 16 Articles which set out the basic rules governing the Council's business, including the rights of citizens and how the key parts of the Council operate.

2.6 Apart from some minor typographical changes, the proposed changes can be summarised as follows:

- Article 2.04 – updates the reference to the Nolan Principles.
- Article 4.01 – updates the plans and strategies which the law requires Full Council to approve. It also adds the Greenwich Carbon Neutral Plan which Full Council reserved to itself for approval in June 2019.
- Article 12.04 – removes a Monitoring Officer function which relates to the former Local Government Act 2000 standards regime.
- Article 15.02 – adds delegated authority for the Monitoring Officer to make changes to the Constitution in very narrowly defined circumstances, together with the responsibility to notify these changes to the Leader of the Council, the Leader of the Opposition and the Chair of Overview and Scrutiny Committee and report them to the next Council meeting for information.

2.7 The existing Part 2 text is set out at Appendix A. The proposed changes are shown at Appendix B.

3. **Available Options**

4.1 Approve the changes to Part 2 of the Constitution set out in Appendix B.

4.2 Make no changes to Part 2 of the Constitution.

4.3 Ask the Monitoring Officer to consider alternative changes to Part 2.

5. **Preferred Option**

5.1 Approve the changes to Part 2 of the Constitution set out in Appendix B.

6. **Reasons for Recommendations**

6.1 If the proposed changes are agreed, they will ensure that Part 2 of the Constitution remains up to date and legally compliant. This will help to facilitate the delivery of Council business and the achievement of the Council's corporate objectives.

7. **Consultation Results**

7.1 Consultation has taken place with the Constitution Review Working Group. The proposals incorporate the views of the Working Group.

8. **Cross-Cutting Issues and Implications**

Issue	Implications	Sign-off
Legal including Human Rights Act	Section 9P of the Local Government Act 2000 requires local authorities to prepare and keep up to date constitutions containing their standing orders, code of conduct for members, any other information they considered appropriate and 'such information as the Secretary of State may direct'. Given that this report recommends changes to the Constitution, it requires approval by Full Council.	John Scarborough, Director of Legal Services, 3 September 2020
Finance and other resources including procurement implications	There are no financial implications arising from this report.	Damon Cook, Director of Finance, 3 September 2020
Equalities	The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no apparent equality impact on end users.	John Scarborough, Director of Legal Services, 3 September 2020

9. **Report Appendices**

9.1 The following documents are to be published with and form part of the report:

- Appendix A: Existing text of Part 2 of the Constitution
- Appendix B: Proposed changes to Part 2 of the Constitution

10. **Background Papers**

None.

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