

<b>COUNCIL</b>	<b>DATE</b>	<b>ITEM NO</b> 7
<b>TITLE</b> Proposed changes to the Constitution	<b>WARD (S)</b> Not applicable	
<b>CHIEF OFFICER</b> Interim Director of Legal Services/Monitoring Officer	<b>CABINET MEMBER</b> Leader of the Council	
<b>DECISION CLASSIFICATION</b> Non-exempt report	<b>IS THE FINAL DECISION ON THE RECOMMENDATIONS IN THIS REPORT TO BE MADE AT THIS MEETING?</b> 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 4, Schedule G of the Councils Constitution as set out in Appendix A.
- 1.2 Approve the changes to Part 5, Section B of the Councils Constitution as set out in Appendix B.
- 1.3 Approve the changes to Part 3, Schedule E of the Councils Constitution as set out in Appendix C.

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 the following changes to the Constitution as follows:

- **Part 4, Schedule G of the Council Constitution (Contract Standing Orders) as set out in Appendix A.** The current Contract Standing Orders are based on the Public Contracts Regulations 2015. These will be out of date in October 2024 when the Procurement Act 2023 comes into force. The effect of the changes can be summarized as follows:
  - Social Value: There will be a strong emphasis on supporting local suppliers and delivering community benefits wherever possible.
  - There will be earlier engagement pre a tendering exercise. This means that there will be an opportunity to review contracts, what is being procured, why and how much it will cost at an early stage.
  - The introduction of a Corporate Procurement Board will make recommendations on high risk procurement activities including awards.
  - Improved Contracts Register.
- **Part 5, Schedule B of the Council Constitution (Officers Code) as set out in Appendix B.** The proposals update the current Officer Code which sets out expectations and has been agreed with the Trade Unions.

- **Part 3, Schedule E of the Council Constitution (Terms of Reference of member Level Bodies: Overview and Scrutiny) as set out in Appendix C.** The proposal is to change the name “Young People and Education” Scrutiny Panel to “Children and Young People” Scrutiny Panel to reflect the fact the Council is a Corporate Parent with responsibilities specifically to children.

Other parts of the Constitution will need to be updated as a consequence of the changes referred to above to ensure consistency.

### 3. **Available Options**

- 3.1 Approve the changes to as set out in Appendix A, B and C
- 3.2 Make no changes.
- 3.3 Ask the Monitoring Officer to consider alternative changes.

### 4. **Preferred Option**

- 4.1 Approve the changes set out in Appendix A,B and C.

### 5. **Reasons for Recommendations**

- 5.1 The proposals are necessary to
  - ensure that the Council complies with new legislation in the case of decision 1.1
  - update requirement in respect of the conduct of officers in the case of section 1.2 and
  - reflect the fact the Council is a Corporate Parent with responsibilities specifically to children in the case of decision 1.3.

### 6. **Consultation Results**

- 6.1 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

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Legal</b> including Human Rights Act	<p>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’.</p> <p>Given that this report recommends changes to the Constitution, it requires approval by Full Council.</p>	<p>Azuka Onuorah Interim Director of Legal Services, 2<sup>nd</sup> June 2024</p>
<b>Finance</b> and other resources implications	There are no financial implications arising from this report.	<p>Joanne Stark Head of Accounting &amp; Business Change 3<sup>rd</sup> June 2024</p>
<b>Equalities</b>	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.	<p>Azuka Onuorah Interim Director of Legal Services, 2<sup>nd</sup> June 2024</p>
<b>Risk Management</b>	Given the nature of the decisions recommended in this report there is a remote or low risk to the Council.	<p>Azuka Onuorah Interim Director of Legal Services, 2<sup>nd</sup> June 2024</p>

## 9. Report Appendices

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

- Appendix A: Existing Part 4, Schedule G of the Councils Constitution with track changes and Proposed Part 4, Schedule G of the Councils Constitution
- Appendix B: Existing Part 5, Section B of the Councils Constitution and proposed Part 5, Section B of the Councils Constitution
- Appendix C: Existing Part 3, Schedule E of the Councils Constitution and proposed Part 3, Schedule E of the Councils Constitution.

10. **Background Papers**

None.

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