



Report of the Interim City Solicitor and Director of Finance and IT to the meeting of Council to be held on 17 May 2022

Subject:

Amendments to the Constitution

Summary statement:

This report provides Members with details of the proposed amendments to the Constitution including amendments to Contract Standing Orders and Financial Regulations recommended by Governance and Audit Committee.

EQUALITY & DIVERSITY:

There are no equality or diversity implications.

Bryn Roberts,
Interim City Solicitor and
Chris Chapman,
Director of Finance and IT

Portfolio: Corporate

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1. SUMMARY

This report provides Members with details of the proposed amendments to the Constitution including amendments to Contract Standing Orders and Financial Regulations recommended by Governance and Audit Committee.

2. BACKGROUND

- 2.1 Article 14 of the Constitution requires the Monitoring Officer to maintain an up-to-date version of the Constitution and is authorised to make such amendments to the Constitution and related documents as may be necessary, but not including any changes of substance, to reflect and take account of changes in legislation, guidance, Council policy, decisions of the Council and Executive, and drafting changes and/or improvements.
- 2.2 Article 17 of the Constitution requires the Monitoring Officer to take steps to make himself aware of the strengths and weaknesses of the Constitution and make recommendations for improvement. Changes to the Constitution can only be made following approval by the full Council or by the Monitoring Officer, as set out in paragraph 2.1 above.
- 2.3 This report concerns proposals for amendments to the Constitution.

3. PROPOSED AMENDMENTS TO THE CONSTITUTION

- 3.1 The proposed amendments to the Constitution fall into the following categories:
 - (a) Proposed amendments to the Constitution following the adoption by Council on 15 March 2022 of the Local Government Association Model Code of Conduct with amendments including proposed amendments to the Protocols on Member-Officer Relations, Members Gifts and Hospitality and Members Use of Council Resources including Use of E-mail and the Internet (“the Protocols”); and
 - (b) Proposed amendments to the Council’s Contract Standing Orders and Financial Regulations as detailed in the Constitution following the annual review of the same.
- 3.2 Full details of the proposed amendments can be found in the Reports and appendices of the Interim City Solicitor and Director of Finance and IT to Governance and Audit Committee for the meeting held on 21 April 2022.

4. FINANCIAL & RESOURCE APPRAISAL

The resources required to amend the Constitution can be met from existing provision.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

- 5.1 The proposed amendments to Contract Standing Orders and Financial Regulations are offered to improve the Council's finance and procurement related processes and provide rules to limit risk to the Council.
- 5.2 The proposed amendments to the Protocols ensure that they are kept up to date and are consistent with the Members' Code of Conduct adopted by Council on 15 March 2022.

6. LEGAL APPRAISAL

- 6.1 The legal implications are reflected in this Report and in the Reports of the Interim City Solicitor and Director of Finance and IT to Governance and Audit Committee on 21 April 2022.

7. OTHER IMPLICATIONS

7.1 SUSTAINABILITY IMPLICATIONS

There are no sustainability implications, greenhouse gas emissions impact or community safety, Human Rights Act, Trade Union, ward or corporate parenting implications in this report.

7.2 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

Not applicable

8. NOT FOR PUBLICATION DOCUMENTS

None

9. OPTIONS

- 9.1 On the recommendation of Governance and Audit Committee to adopt the proposed amendments to the Constitution including the amendments to the Council's Contract Standing Orders and Financial Regulations.
- 9.2 Not to adopt the proposed amendments and require further consideration before considering adoption.

10. RECOMMENDATIONS

- 10.1 It is recommended to Council that:

- (a) the proposed amendments to the Constitution, as agreed and recommended to Council for approval by Governance and Audit Committee and as set out in the Interim City Solicitor's report and appendices for the meeting of Governance and Audit Committee held on 21 April 2022; and

- (b) the proposed amendments to the Council's Contract Standing Orders and Financial Regulations, as agreed and recommended to Council for approval by Governance and Audit Committee and as set out in the Director of Finance and IT's report and appendices for the meeting of Governance and Audit Committee held on 21 April 2022, subject to clarification of Paragraph 12.1 (Appendix 1 of the Director of Finance's report to Governance and Audit Committee) as detailed in the decision of Governance and Audit Committee, and subject to the consistency of terminology relating to Appropriate Officer in Appendix 2 of the Director of Finance's report to Governance and Audit Committee, be approved and implemented; and
- (c) the Interim City Solicitor be granted delegated authority to make any consequential amendments required to the Council's Constitution as a result of any recommendations approved by full Council.

11. APPENDICES

- (a) Interim City Solicitor's report and appendices for the meeting of Governance and Audit Committee held on 21 April 2022; and
- (b) Director of Finance and IT's report and appendices for the meeting of Governance and Audit Committee held on 21 April 2022.

12. BACKGROUND DOCUMENTS

None.