

SOUTH STAFFORDSHIRE COUNCIL**COUNCIL – 7 MAY 2024****ANNUAL REVIEW OF THE CONSTITUTION****REPORT OF THE MONITORING OFFICER****LEAD CABINET MEMBER – COUNCILLOR ROGER LEES BEM, LEADER OF THE COUNCIL****PART A – SUMMARY REPORT****1. SUMMARY OF PROPOSALS**

The report sets out a number of changes to the Constitution recommended to be adopted at Annual Council on 7 May 2024. The changes proposed are set out in detail in paragraph 3.

2. SUMMARY IMPACT ASSESSMENT

POLICY/COMMUNITY IMPACT	Do these proposals contribute to specific Council Plan objectives?	
	Yes	The constitution is a legal requirement and provides the legal framework for ensuring that the Council can deliver the Council Plan.
	Has an Equality Impact Assessment (EqIA) been completed?	
	Yes	Available to Members as a meeting document; no negative impacts were identified.
SCRUTINY POWERS APPLICABLE	No – decision of Council	
KEY DECISION	No	
TARGET COMPLETION/ DELIVERY DATE	Target delivery date is adoption of constitution on 7 May 2024	
FINANCIAL IMPACT	No	There are no direct financial implications arising from this report.
LEGAL ISSUES	Yes	It is a legal requirement of the Council that it has a constitution. This report ensures that it meets this requirement. Legally the constitution must be followed or the Council will potentially act unlawfully and is open to legal challenge.
OTHER IMPACTS, RISKS & OPPORTUNITIES Including climate impacts and health impacts if applicable	No	No other specific risks and implications.
IMPACT ON SPECIFIC WARDS	No	Applies to all of the Council

PART B – ADDITIONAL INFORMATION

3. INFORMATION

- 3.1 As set out above it is a legal requirement that the Council has a constitution. The constitution is a critical document. It sets out how the Council operates and the rules that must be met in carrying on its business (often known as “standing orders”).

The Constitution is reviewed and readopted on an annual basis. A full copy of the proposed Constitution is available on CMIS for viewing.

However, it is important to note that the constitution can be reviewed or amended at any point in the year if the Council so decides.

- 3.2 A summary of the changes proposed for the Municipal Year 2024/25 is set out below:

Proposed changes

- Introduction of specific rules around alternative budget proposals/motions.
- Changes to requirement to stand when speaking at meetings
- Clarification on officers speaking at meetings
- Change of day of Audit and Risk Committee
- Changes/clarification to delegated powers in respect of planning matters
- Changes/clarification to delegated powers in respect of grant agreements
- Minor administrative changes
- Change to quorum level for Cabinet to bring it in line with other committees

3.3 Council Procedure Rules – Budget Proposals

- 3.3.1 The Council’s current Council Procedure Rules provide that members can raise amendment Motions at a meeting of Council. Whilst this is not at issue, if the amendment Motion was one in respect of budget setting, then raising such a Motion on the evening, without prior consultation with the Director of Finance as to the impact of the proposal on the soundness of the budget, would present difficulties.
- 3.3.2 It is therefore proposed that for Motions proposing an amendment to the proposed budget, be that by an amendment Motion or by way of an Alternative Budget Proposal, prior notification and engagement with officers is required. The proposed rules are set out in Appendix A to this report but in summary require engagement with the Director of Finance (Section 151 Officer) and the Corporate Director of

Governance (Monitoring Officer) prior to the meeting, and notification of proposals to all members.

- 3.3.3 The prior engagement with officers will ensure that (1) the Section 151 Officer is able to give assurance to members as to the impact of such proposals on the budget position and that a balanced budget position was achievable and (2) the Monitoring Officer is able to give assurance to members that legal requirements have been met.
- 3.3.4 The prior notification to members of the proposals will enable members to fully consider the proposal prior to the meeting, enabling them to make a determination on the evening in possession of all relevant information. Without this, any proposal tabled on the evening would inevitably require an adjournment in proceedings so that the implications on the budget position could be fully assessed and advised upon, before a decision was reached by members.

3.4 Council Procedure Rules – proposed amendments

3.4.1 Standing to speak

The Council's Procedure Rules currently provide at 15.5:

Only one councillor to stand at a time

A councillor when speaking shall stand (see Rule 20.1) and address the Chairman. If two or more councillors rise, the Chairman shall call on one to speak; the other or others shall then sit. While a councillor is speaking the other councillors shall remain seated, unless rising to a point of order or personal explanation.

And at 20.1

Standing to speak

When a councillor speaks at a Council meeting they must stand and address the meeting through the Chairman. If more than one councillor stands, the Chairman will ask one to speak and the others must sit. Other councillors must remain seated whilst a councillor is speaking unless they wish to make a point of order or give a personal explanation. This rule will apply at Council and Overview and Scrutiny Meetings and at other meetings at the discretion of the Chairman of the meeting.

- 3.4.2 The practice of standing when speaking has lapsed and with the audio-visual enhancements now available in the Council Chamber, the requirement for such practice is lessened. There are also equality implications to consider; the requirement to stand may present difficulties for some members with protected characteristics and therefore it is suggested that the rules are amended to reflect current practice.

New Rule 20.1:

Whilst a councillor is speaking, other councillors must remain seated unless they wish to make a point of order or give a personal explanation.

New Rule 15.5:

A councillor when speaking may stand but is not required to do so. If two or more councillors indicate a wish to speak, the Chairman shall call on the councillors to speak in the order noted by the Vice-Chairman.

3.5 Officers speaking

Currently the Constitution provides that members may ask questions and answers may be provided by the relevant member. There is on occasion a need for specific information to be provided which the relevant officer may be in a better position to provide due to their day-to-day operational roles. It is therefore proposed that the rules are amended to include provision for officers to answer questions with the consent of the relevant member. There would be an amendment to Council Procedure Rules 11.5 and 12.5 to include an answer being provided by an officer.

3.6 Audit and Risk Committee

- 3.6.1 Currently the Audit and Risk Committee meets on a Tuesday afternoon at 4.00 pm. This causes some scheduling difficulties, as Cabinet meets at 2.00 p.m. and Council, Overview and Scrutiny Committee, Planning Committee and Wellbeing Select Committee all meet on Tuesday evenings. It is proposed that Audit and Risk Committee is moved to a Thursday afternoon to allow for more flexibility in scheduling dates.
- 3.6.2 Although the meeting day is not specifically referred to in the Constitution, the proposal is included in this report for member approval.

3.7 Part 3 – Responsibility for Functions

A number of minor changes to the Scheme of Delegation to Officers (in Part 3 of the Constitution) have been proposed. The main changes are set out below.

- * Delegation to allow Corporate Director of Place and Communities/Assistant Director Enterprise and Growth/Lead Planning Manager to sign Statements of Common Ground in consultation with the Cabinet Member for Business Enterprise and Community Infrastructure
- * Delegation to the Corporate Director of Place and Communities to agree Strategic Masterplans in consultation with the Chairman of Planning Committee and the Cabinet Member for Business Enterprise and Community Infrastructure
- * Clarification that the Corporate Director of Place and Communities can authorise the issue of section 215 Notices (Town and Country Planning Act 1990) without prior consultation with ward councillors
- * Clarification that s.111 of the Local Government Act 1972 can be used to complete s.106 Agreements where necessary
- * Delegation to Assistant Directors to sign grant agreements (including but not exclusively those relating to UKSPF and RPF monies and grants made under the Community Wellbeing funding). This is not amending the approval process for the

grants, merely clarifying that Assistant Directors can then sign the ensuing individual grant agreements.

For ease of reference, a track changes version of the planning delegations is included as Appendix B.

3.8 Administrative Changes

- 3.8.1 The procurement thresholds referenced in Contract Procedure Rules in Part 4 of the Constitution are updated by Government on a 2 yearly basis. The Constitution will be updated to reflect the new limits.
- 3.8.2 The functions at Assistant Director level have been amended (no new delegations are sought) following realignment of functions; this will be reflected in Part 3 of the Constitution.
- 3.8.3 Reflecting the recent changes in the composition of the Cabinet within the Constitution.

3.9 Quorum level for Cabinet

- 3.9.1 Currently the Constitution provides, in Part 2 Article 7.8, that the quorum for a meeting of Cabinet shall be three voting members. It is proposed to bring the quorum level for Cabinet in line with other committees i.e. one quarter.

4. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

A detailed Equalities Impact Assessment was produced in March 2015 in conjunction with the approval of the revised constitution. This has been updated as necessary, but no negative impacts are envisaged. The Assessment is available to Members as a meeting document.

5. PREVIOUS MINUTES

The Constitution was last revised and adopted in May 2023.

6. BACKGROUND PAPERS

Constitution of South Staffordshire Council

7. RECOMMENDATION

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| 7.1 That the revised Constitution be adopted by Council and replace all previous versions of the Constitution. |
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Report prepared by:

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