

UPDATE TO THE CONSTITUTION

Portfolio holder for Regulatory, Housing and Health

Date:	18 May 2021
Agenda Item:	19
Contact Officer:	Christie Tims, Head of Governance & Performance
Tel Number:	01543 308002
Email:	Christie.tims@lichfielddc.gov.uk
Key Decision?	YES
Local Ward Members	NA

Lichfield
district council

FULL COUNCIL

1. Executive Summary

- 1.1 Following the decision of Full Council to revise the committee structure the relevant sections of the Constitution have been updated to reflect the new arrangements.
- 1.2 These changes impact on Parts 1, 2 and sections of Part 4 of the Constitution (Appendix 1 to 3).
- 1.3 It is not a full update as further amendments are anticipated at future meetings as relevant sections are consulted and debated by members and following the appointment to committees agreed at this meeting.
- 1.4 A new section has also been developed for Part 5 - Codes and Protocols (Appendix 4), to advise members regarding roles and responsibilities in respect of their appointments to outside bodies, also discussed at the meeting tonight.

2. Recommendations

- 2.1 That Council approves the update to Parts 1, 2 and 4 of the Constitution and notes the programme of planned updates to the remaining sections. (Appendix 1, 2 and 3)
- 2.2 That Council approves the addition to Part 5 - Codes and Protocols for Outside Body Appointments. (Appendix 4)

3. Background

- 3.1 This report brings forward updates to:
 - Part 1 – Summary and Explanation – this includes the overall Council structure and the standing committees, deleting Parish Forum, District Board and reducing to a single Overview & Scrutiny Committee.
 - Part 2 – Articles of the Constitution – in particular Article 6 in relation to Overview & Scrutiny and Article 9 Panels and Forums as they relate to deleted committees.
 - Part 4 – Rules of Procedure – updating Overview & Scrutiny Procedure rules and ensuring all functions held by Chief Executive and Monitoring Officer are clarified. In Section 2 Meanings of Exemptions are clarified in line with best practice.
 - Part 5 – Outside Body Appointments – a guide to assist members in understanding their role when appointed to outside bodies.
- 3.2 Over the coming months, more updates are planned to the Constitution. These include:
 - Part 3 – Scheme of delegation which will be updated in line with relevant appointments made at this meeting and has been requested to be reviewed by Overview & Scrutiny once the new work plan is developed in July. This will come for approval later this year.

Part 4 – Contract Procedure Rules and Financial Procedures – which will need to be considered by Audit and Member Standards before being updated – currently scheduled for October Full Council.

Part 5 – Codes of Conduct for Members - July 2021 subject to consultation with Audit and Member Standards Committee.

Part 6 – Members Allowance Scheme - this will be undertaken following the review conducted by the IRP advisor in October. Until then all allowances will be held over at their current rate, with any amendment and back pay made following final approval by Full Council later this year.

Part 7 – Governance Structure – updated under delegated authority by Chief Executive as required.

- 3.3 As part of this review all references to gender specific terms have also been removed – Chairman replaced with Chair and he/she and him/her replaced with they/them as appropriate. This will continue in future updates specified above.
- 3.4 A new section has also been developed for Part 5 - Codes and Protocols, to advise members regarding roles and responsibilities in respect of their appointments to outside bodies. This supplements any guidance included within the members Code of Conduct and clarifies member responsibilities in accepting outside body appointments.

Alternative Options	Members can decide not to accept the amendments to the constitution, but this would render the Constitution in conflict with Council decisions and potentially render future decisions ultra vires.
Consultation	Consultation has been carried out with officers and the amendments respond to issues identified as part of the review of committees and current governance best practice.
Financial Implications	None identified at this stage – it is the intention that the changes to the committee structure can be met within existing budgets with resources targeted to areas with most impact. An independent remuneration panel (IRP) will need undertake an assessment of any recommendations to roles attracting special responsibility as a result of the proposed structural changes but there is scope for this within the Members Allowance Budget. This is scheduled to be completed in October 2021.
Contribution to the Delivery of the Strategic Plan	A revised Committee Structure will ensure that LDC will be considered a good Council through ensuring effective use of its resources and decision making processes and supporting our strategic ambitions. Meetings underpin our ambitions be a good council by allowing for transparency and participation in decision making. All areas highlighted for scrutiny should relate back to our strategic priorities.
Equality, Diversity and Human Rights Implications	None from undertaking the review and adopting the recommendations. Effective scrutiny will enable earlier and wider consideration of issues that will allow for more consultation and participation. Changes to the constitution reflect updates to the structure and motions on forms of address as agreed at previous meetings.
Crime & Safety Issues	None arising from this report.
Environmental Impact	There could be a number of positive impacts from changing the way that Committees are structured and conducted. Continuing with remote meetings in any capacity would reduce carbon admissions from vehicles traveling to the Council House. There would also be less emissions from heating and running electrical

appliances for meetings e.g. lighting. However this may be lessened with the number of electrical IT devices being used.

GDPR/Privacy Impact Assessment

None arising from this report. Transparency in task groups will be achieved via clear reports submitted by the chair of such groups to Overview and Scrutiny and publication or referencing of evidence considered. Wherever practicable meetings will continue to be broadcast for remote viewing.

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	The Constitution if not up to date and does not support effective decision making.	Ensure the Constitution is reviewed and updated as required. A clear schedule is provided.	Yellow Impact high, likelihood low
B	Perception that task groups are less transparent and do not allow participation of all members and groups.	That recruitment to task groups are drawn from across all members and ensure effective representation. All task group work is reported through the main committee to ensure transparency and wherever practicable task groups should include public broadcast, attendance and feedback.	Yellow Impact high, likelihood low

Background documents

The Constitution <https://democracy.lichfielddc.gov.uk/ieListDocuments.aspx?CId=190&MId=304&Ver=4&info=1>
<https://democracy.lichfielddc.gov.uk/documents/s9618/Committee%20Review%20Strategic%20OS%20Report%20v3.pdf>

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