

SUBJECT:	Constitution
MEETING:	Full Council
DATE OF REPORT:	19 May 2022
DIVISION/WARDS AFFECTED:	All

1. PURPOSE

- 1.1 To consider the updated MCC Constitution.

2. RECOMMENDATIONS

- 2.1 Full Council approve the reviewed and updated Constitution.

3. KEY ISSUES

- 3.1 Local Authorities operate under myriad laws and similarly exercise a raft of legal powers. The purpose of the Constitution is for Council to determine how it wishes the organisation to function.
- 3.2 Fundamentally that means Council setting out the standards that it expects, the ways in which business will be conducted, the architecture of the organisation and the delegation of the powers that the Council has to enable effective and expedient decision making.
- 3.3 The Constitution was last brought to Council in March 2021 where a wholesale revision of the document was presented. While the Monitoring Officer is delegated authority to make editorial and legal changes to the Constitution, he committed in that meeting to bringing the document to Council at the first meeting of each year following the AGM to inform Council of any changes that have been made. Substantive amendments still require Full Council approval regardless.
- 3.4 Appendix 1 sets out the record of changes. Changes fall into 4 predominant categories:
- feedback received from Councillors. This includes the dissatisfaction with the way the previous wording allowed the complete rewriting of a motion via an amendment as long as the intent was not negated. This is no longer possible under the redraft;
 - Council decisions. While these would be done as an editorial change typically, there have been recent decisions relating to the ability to purchase land/property in order to meet the needs of children looked after, and the construct of scrutiny committees, that have been incorporated in this update;
 - legislative change. The Local Government and Elections Act 2021 introduced a wide swathe of legal changes that impact how Local Authorities operate. A lot of those changes require amendments to the Constitution and a lot of those took effect 5 May 2022 and so the majority of changes in this version are the result of that piece of legislation;
 - editorial. Job title changes or portfolio shifts that require inclusion.

4. EQUALITY AND FUTURE GENERATIONS EVALUATION (INCLUDES SOCIAL JUSTICE, SAFEGUARDING AND CORPORATE PARENTING)

4.1 The nature of the document is to create the framework for the organisation's conduct and decision making, rather than a specific decision, so there are no specific equality, socio economic or future generations impacts identified.

5. OPTIONS APPRAISAL

5.1 The legislative changes have to be included as a matter of law. Changes that relate to Council decisions have to be included but may be amended in the future following a further Council report and decision.

6. RESOURCE IMPLICATIONS

6.1 There are no costs identified as part of the review.

7. CONSULTEES

All Members (in the period between the March 2021 change and the May 2022 election).
SLT
Democratic Services
Standards Committee (on relevant parts)

8. AUTHOR

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Appendices:

1. Record of Changes
2. Constitution May 2022

Appendix One – Record of Changes

Format

1. The Constitution is split into 6 ‘Parts’:
 - a. Part 1 – Introduction. What the constitution is, how it should be used, and how to get involved;
 - b. Part 2 – Articles of the Constitution. The architecture – Councillors, Committees, roles and everything that makes up the organisation;
 - c. Part 3 – Responsibility for Functions. Where decision making powers lie and how they are delegated;
 - d. Part 4 – Rules of Procedure. How are meetings conducted, how is information accessed, budget and policy setting, the rules applicable to the Executive and to Select Committees and financial, contractual and employment rules;
 - e. Part 5 – Codes and Protocols. Code of Conduct, standards expected of Officers, bribery and corruption, disclosure of information, whistleblowing etc;
 - f. Part 6 – Schedule of Members’ Remuneration.
3. Each part is split into sections, subsections, paras and sub-paras split thus:
4. Section.
 - 4.1 Sub-section.
 - 4.1.1 Para.
 - (a) Sub-para.
 - (i) Sub-para.
 - (1) Sub-para.
5. Sections and sub-sections are hyperlinked in the contents page.

Changes

6. The table below seeks to set out the changes made since the last Council report. A track changed version of the document is available.

Section, Subsection or Para	What	Notes
4.3	Petition Scheme	Change required by s42 Local Government and Election Act 2021 (herein LGE21). Change in accordance with the public participation strategy agreed by Democratic Services Committee.
5.1 5.2	Members	Number of Councillors changed to 46. Term of officer changed to 5 years (s 14-17 LGE21).
6.3	Functions of Council	Amended iaw LGE21 to incorporate various amendments – CJsCs, CEX Reports, Standards Committee Reports
8 31 39	Scrutiny Committees	Amendments iaw Council Decision 3 March 2022
9.3	Leader Roles	Leader's role on PSB and CJC included iaw: Para 7 of Sch 3 of Wellbeing of Future Generations Act Part 5 LGE21
9.7	Assistants to the Executive	s57 LGE21
9.8	Job Sharing by the Executive	s8 LGE21
11.2 11.3	Standards Committee	Need to monitor Group Leaders' duty to promote standards of conduct and the need for an annual report to Council s62 LGE21 s63 LGE21
10	Governance and Audit Committee	Title changed Sep 21 Membership and Political Balance amended May 22 Both iaw: s116-118 LGE 21
14.1	Chief Officers	All CO roles amended in March 21 following Council Decision on 11 Mar 21. Change of CO Enterprise to CO Communities and Place. Designation of CO People and Governance and statutory Head of Democratic Services (s161 LGE 21).
14.2 and throughout	Chief Executive	Removal to all references of Head of Paid Service and replace by Chief Executive as per s43 LGE 21
14.3.9	Monitoring Officer	Designated as Qualified Person for determining public interest in matters of the Freedom of Information Act 2000
19.2.1	Combined Joint Committees (CJsCs)	Included in the list of potential decision makers iaw part 5 LGE21
25.1.3	Urgent Decision	Amendment to the qualifications on these decisions following review of ability to deal with matters around a LG Election

26.4.1	Purchase of Property/Land	Councils Decision of 27 Jan 22 incorporated that permits CO SCH to take action when necessary (in consultation) to provide accommodation to children looked after.
26.6.1	HR Policies	Previously silent this clarifies that responsibility is with CO People and Governance
26.9.3	Returning Officer	Designation of RO included as required by Representation of the People Act 1983
27.1 30.1	Remote Attendance	Now permitted as per s47 LGE21
27.14.4	Motion to Remove Leader	Reference to Members present in the room removed in light of hybrid changes
27.17.1	Amendments	Changed following Councillor feedback that the ability to completely change the wording of a motion via an amendment was disproportionate.
27.32.1	Speaking	The choice as to stand or sit
42.3	Duty on Leaders to Promote Standards of Conduct	s62 LGE21