



Report to: Council, 5th July 2022

Report of: Corporate Director- Planning and Governance

Subject: AMENDMENTS TO THE CONSTITUTION

1. Recommendation

1.1 That the Council approves, with immediate effect, the amendments to the Constitution set out in this report and authorises the Corporate Director - Planning and Governance to make the necessary drafting changes to the Constitution.

2. Background

2.1 Periodically, officers or Members identify matters which are considered to be established constitutional arrangements at the Council, but which are not reflected accurately in the Council's written document. Equally there are occasions where minor amendments to the Constitution are proposed by officers or Members to improve operational governance arrangements.

2.2 While the Corporate Director- Planning and Governance (as Monitoring Officer) does have authority to make minor amendments to the Constitution without referral to Council, any amendments which require a policy decision should be referred to a meeting of the Council for consideration.

2.3 A set of proposed amendments, listed below, have been discussed with the 4 Political Group Leaders who are in support of the changes. Further consultees include the Chair and Vice Chair of the Income Generation Sub-Committee (in relation to the potential name change of the Sub-Committee) and the Chair of the Standards Committee (who is affected by the current restriction in the Articles as set out below).

3. Preferred Option

3.1 The preferred option is to make the amendments set out below in to provide clarity on a number of points where the Constitution does not reflect the Council's preferred operating arrangements. The amendments are:

| Issue | Proposed amendment |
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| The Articles (para 9.1) stipulate that a Political Group Leader should not be a member of the Standards Committee. However, the Corporate Director- Planning and Governance advises that, in terms of how | Delete this provision in the Articles so that there is no restriction on Political Group Leaders being members of, or Chair/Vice Chair of, Standards Committee. |

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| Standards matters are managed at the Council, there is no legal or governance reason to prevent a Political Group Leader from being a participant in Standards Committee. | |
| Name of the Income Generation Sub-Committee does not fully capture its purpose/remit bearing in mind its role in the scrutiny of fees and management of income and the constraints on Council investment activity. | Change name to: Income Management Sub-Committee. |
| Terms of reference for Joint Consultative and Safety Committee ("JCSC") stipulate that the Managing Director shall be the Chair instead of a Member, which is not consistent with other Member meetings. | Specify in Terms of Reference for JCSC that the Chair will be a Member appointed by Council and delete corresponding reference to Managing Director as the Chair. |
| The Constitution does not codify the established convention that Worcester City Council's nomination for Chair/Vice Chair of Joint Advisory Panel ("JAP") on rotation, should be the Member who is Chair of the Place and Economic Development Committee. | Add the Terms of Reference for JAP into the Constitution and clarify that the Chair of Place and Economic Development shall be the Council's nominee for Chair/Vice Chair of JAP, on rotation with the other South Worcestershire Councils. |

4. Alternative Options Considered

- 4.1 It is possible to continue to operate with none of the amendments adopted. However, in the case of the Standards Committee membership, this is problematic for the Council bearing in mind Members' appointments to Committee. Council has voted to appoint Political Group Leaders to the Standards Committee for the past 2 years, for example. If the Articles are not amended, then arguably the membership of the Standards Committee will need be reviewed.

5. Implications

5.1 Financial and Budgetary Implications

None identified.

5.2 Legal and Governance Implications

The implications are as set out in the main part of the report.

5.3 Risk Implications

There is a risk not addressing the anomaly between established constitutional conventions and what the text actually says, could lead to a greater risk of legal challenge if a particular decision was considered by any interested party to be defective.

5.4 Corporate/Policy Implications

None identified.

5.5 Equality Implications

None identified.

5.6 Human Resources Implications

None identified.

5.7 Health and Safety Implications

None identified.

5.8 Social, Environmental and Economic Implications

None identified.

Ward(s): All
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Background Papers: None