



**Report to: Council, 17<sup>th</sup> October 2022**

**Report of: Corporate Director- Planning and Governance**

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**Subject: AMENDMENTS TO THE CONSTITUTION**

**1. Recommendation**

**1.1 That 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 at a meeting of the 4 Political Group Leaders on 5 September and there was support for the changes. The Income Generation Sub-Committee met on 27 July 2022 and the Committee gave support to the proposal change the name of the Sub-Committee and also to the proposal to increase the financial threshold of Chief Officer delegated powers to approve in-year variations to fees and charges.

**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:

<b>Issue</b>	<b>Proposed amendment</b>
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	Change name to: Income Management Sub-Committee.

constraints on Council investment activity.	
Recognising inflationary pressures and the regular fluctuation in fees and charges for review, the Members of the Income Generation Sub-Committee propose increasing the level of authority that the s151 Officer has to approve in-year variations themselves, without recourse to a Member body.	In the Council's financial procedure rules, add:  "the Corporate Director Finance and Resources to approve any variation to fees and charges which is not estimated to result in an increase or decrease in income of more or less than £10,000."  Delete references to £5,000 accordingly.
The function of financial hardship and welfare of residents is not clearly the responsibility of any one Committee. Where financial support relates to residents' welfare, it is an area of interest to the Health and Wellbeing Committee.	In Part 3, to the functions of Health and Wellbeing Committee, add:  "Financial Hardship and Support relating to the Welfare of Residents"
The function of museums, heritage and culture is currently assigned in the Constitution to the Communities Committee, whereas in practice it is an area of interest to the Place and Economic Development Committee	In Part 3, to the functions of the Place and Economic Development Committee add:  <ul style="list-style-type: none"> <li>• "Museums, heritage and culture"</li> </ul> and delete from the functions of the Communities Committee.

#### **4. Alternative Options Considered**

- 4.1 It is possible to continue to operate with none of the amendments adopted. However, the proposed amendments are supported by Members and provide clarity on actual operating arrangements.

#### **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