

Three Rivers District Council

Committee Report

Date 6 September 2023

**CONSTITUTION SUB-COMMITTEE – 6 SEPTEMBER 2023
SPECIAL POLICY AND RESOURCES COMMITTEE – 5 OCTOBER 2023
COUNCIL – 17 OCTOBER 2023**

PART I NOT DELEGATED

**7. AMENDMENTS TO THE COUNCIL CONSTITUTION
(ADL&D)**

1 Summary

1.1 This report is being presented to the Constitution sub-committee to consider suggested amendments and changes to the Council Constitution with regard to:

- The Summary and Explanation
- Part 2 - Articles of the Council Constitution
- Part 3 - General Principles Relating to Officer Delegation
- Part 4 – Rules of Procedure
- Part 5 – Codes and Protocols
- Part 6 – Member Allowances Scheme

2 Background

2.1 As detailed at Appendix 1 to this report, Paul Hoey Associates were commissioned by the previous Interim Monitoring Officer to consider revising and updating the Council Constitution. Details on the work the consultants have undertaken on behalf of the Council, the consultant's background and the recommendations they are suggesting for the sub-committee to consider is included at Appendix 1.

2.2 Members will see a new section is proposed "General Principles Relating to Officer Delegation", which would slot into Part 3 of the constitution before the 'Scheme of Delegation to Officers'. The new section is based on the principle that specific high-level delegations and statutory duties are set out in the Constitution, but the Council approves a scheme where the Chief Executive and other officers can sub-delegate and the Chief Executive is allowed to make minor changes to the delegations without needing Full Council approval.

2.3 As part of the review of the Constitution the consultants set out some high-level objectives with regard to the purpose of the Constitution which were:

- Accountability – responsibilities and accountability about who does what should be clear, within the Council and to residents.
- Credibility – governance should assist good decision making, which involves proper and early scrutiny of policies and proposals.
- Transparency – the decision-making process should be open and transparent to Members and to the public.
- Collaboration - decision making should be collaborative across parties.

- Timeliness – decision making should be both quick and effective and, when necessary, allow for urgent decision-making.

2.4 Although amendments to the Constitution have been made since the Committee governance arrangements changed in 2014 from Executive/Cabinet to Committee there has not been a full review of the Constitution until now.

3 Options and Reasons for Recommendations

3.1 The Council needs to ensure that it has a constitution which provides accountability, credibility, transparency, collaboration and good decision making.

4. Policy/Budget Reference and Implications

4.1 The recommendations in this report are within the Council’s agreed budget.

5. Financial, Community Safety, Public Health, Customer Services Implications

5.1 There are no direct implications.

6. Legal Implications

6.1 Legal implications are contained in the main body of this report and in appendix 1.

7. Equal Opportunities Implications

7.1 Relevance Test

Has a relevance test been completed for Equality Impact?	No
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7.2 Impact Assessment

None specific.

8. Staffing Implications

8.1 None.

9. Environmental Implications

9.1 None.

10. Climate Change and Sustainability Implications

10.1 None.

11. Community Safety, Public Health and Customer Service Centre Implications

11.1 There are no direct implications.

12. Communications and Website Implications

12.1 Any amendments agreed by Council will be incorporated into the published Constitution on the website. When the website is updated Managers and Members will be advised.

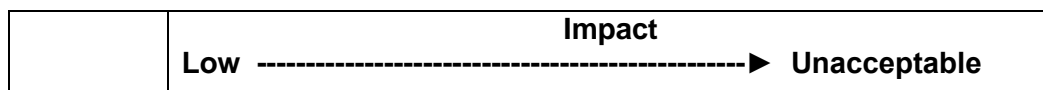
13. Risk and Health & Safety Implications

- 13.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.
- 13.2 The subject of this report is covered by the Committee service plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this/these plan(s).

Nature of Risk	Consequence	Suggested Control Measures	Response (tolerate, treat terminate, transfer)	Risk Rating (combination of likelihood and impact)
The Council's Constitution is the principal document setting out how the Authority operates, how decisions are made and the procedures which are followed. It is essential that the document is easy to follow, understand and interpret which this review seeks to achieve.	Not having a document which clearly sets out how the Authority operates in an easy to follow, understand and interpret document.	Improve aspects of the constitution and business conducted at meetings	Treat	2:1

- 13.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Very Likely Remote ↓ Likelihood	Low 4	High 8	Very High 12	Very High 16
	Low 3	Medium 6	High 9	Very High 12
	Low 2	Low 4	Medium 6	High 8
	Low 1	Low 2	Low 3	Low 4



Impact Score

- 4 (Catastrophic)
- 3 (Critical)
- 2 (Significant)
- 1 (Marginal)

Likelihood Score

- 4 (Very Likely (≥80%))
- 3 (Likely (21-79%))
- 2 (Unlikely (6-20%))
- 1 (Remote (≤5%))

13.4 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

14. Recommendation

14.1 That the sub-committee consider and comment on the proposed amendments to the Constitution (as contained in Appendices 2 to 7) and consider the following areas in particular where there have been significant changes:

- General Principles Relating to Officer Delegation
- Changes to the rules of procedure for meetings to bring them into line with best practice and ensure more efficient and effective running of meetings.
- Greater definition of the roles of Lead Members and Committee Chairs
- Revisions to the standards procedure to bring it in line with best practice as promoted by the Local Government Association (LGA).

The sub-committee's comments will be reported to the Policy & Resources Committee when it considers the proposed amendments.

Covering report prepared by: Sarah Haythorpe, Principal Committee Manager

Data Quality

Data sources: Council Constitution

Data checked by: Stephen Rix, Monitoring Officer

Data rating:

1	Poor	
2	Sufficient	x
3	High	

Background Papers – Council constitution

Appendices/Attachments

Appendix 1 – Key points from Paul Hoey Associates

Appendix 2 - The Summary and Explanation (with tracked changes)

Appendix 3 - Part 2 - Articles of the Council Constitution (with tracked changes)

Appendix 4 – Part 3 - Overview of General Principles for Officer Delegation
Appendix 5 - Part 4 – Rules of Procedure (with tracked changes)
Appendix 6 - Part 5 – Codes and Protocols (with tracked changes)
Appendix 7 - Part 6 – Member Allowances Scheme (with tracked changes)

