

Meeting Council
Portfolio Area Transforming Stevenage
Date 22nd May 2025



CONSTITUTION REVIEW – PHASE 1

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1 PURPOSE

- 1.1 The purpose of the Constitution is to set out the principles for Council decision making and the procedures governing the conduct of Council business. The purpose of the Constitution Review and the amendments proposed in this report is to ensure that the Constitution remains up to date and fit for purpose.

2 RECOMMENDATIONS

- 2.1 To agree and adopt the proposed revisions to Part 1 Summary and Explanation of the Constitution as detailed in Appendix A.
- 2.2 To agree and adopt the proposed revisions to Part 2 the Articles as detailed in Appendix B.
- 2.3 To agree and adopt the proposed revision to Part 3 Responsibility of Functions as details in Appendix C.
- 2.4 To agree and adopt the proposed revisions to the Community Presentation in Part 4 Rules of Procedure as detailed in Appendix D.
- 2.5 To agree and adopt the addition of a new Members' and Officers' Planning Code of Good Practice to Part 5 Codes and Protocols as set out in Appendix E.

3 BACKGROUND

- 3.1 The Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that they are efficient, transparent, and accountable to local people. The council has a legal duty to publish an up-to-date Constitution which should be reviewed annually with any necessary changes being considered at a full Council meeting.
- 3.2 The responsibility to monitor and review the operation of the Constitution is currently set out in Article 13 and belongs to Council to approve save for minor and inconsequential amendments which may be authorised by the Chief Executive.
- 3.3 The Constitution is organised into 5 parts: -
- Part 1 – Summary and Explanation
 - Part 2 – Articles of the Constitution
 - Part 3 – Responsibility for Functions
 - Part 4 – Rules of Procedure
 - Standing Orders
 - Access to Information Procedure Rules
 - Budget and Policy Framework Procedure Rules
 - Executive Procedure Rules
 - Overview and Scrutiny Procedure Rules
 - Part 5 – Codes and Protocols
 - Member/Officer Protocol
 - Part 6 – Members Allowance Scheme
 - Part 7 – Organisational Chart
- 3.4 At the beginning of 2024, the Association of Democratic Services was commissioned by the Council, in collaboration with a Cross Party Working Group, to conduct a comprehensive review of its Constitution. The goal was to assess legal compliance and ensure the Constitution remains effective in serving the Council's objectives. The Association's recommendations provided a foundation for officers to reflect on and proposed necessary changes to keep the governance framework relevant and fit for purpose. The Council's Monitoring Officer is currently working through these recommendations and has identified bringing proposed changes forward to Council in several different phases:-
- Phase 1 – initial clarification amendments and tidying to identified parts of the Constitution including amending the policy framework in line with legislation and the adoption of a new Member and Officer Planning Code of Good Practice.
 - Phase 2 – statutory health check and review and update to Part 3 and Part 4.

- 3.5 The recommendations listed in this report are linked to Phase 1 of the Constitution Review only. The relevant Portfolio Holder and the Leader have been consulted on the proposed changes as part of the Phase 1 review. It is anticipated that Phase 2 will come forward later this year during Quarter 3.

4 REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS

- 4.1 Council is asked to note and agree the recommendations in the Phase 1 stage of the Constitution Review to ensure the Constitution is up to date and legally compliant and best serves the objections of the Council.

5 IMPLICATIONS

Financial Implications

- 5.1 There are no financial implications arising from this report.

Legal Implications

- 5.2 A local authority is under a duty to prepare and keep up to date its Constitution under section 9P Local Government Act 2000 as amended. The Constitution must contain:-
- a) The Council's standing orders and procedure rules.
 - b) The Members Code of Conduct.
 - c) Such information as the Secretary of State may direct.
 - d) Such other information (if any) as the authority considers appropriate.

APPENDICES

- A Proposed changes to Part 1 - Summary and Explanation.
- B Proposed changes to Part 2 – Articles.
- C Proposed changes to Part 3 – Responsibility for Functions.
- D Proposed changes to Part 4 – Rules of Procedure.
- E Proposed changes to Part 5 – Codes and Protocols.

Appendix A

Part 1 - Summary and Explanation

Paragraph 3

- 4th paragraph should read “then appoints a Deputy Leader and between 1 and 8 other councillors who will, together with the Leader and Deputy Leader comprise the executive...” (currently reads “ who then appoints a Deputy Leader and an Executive of between 2 and 9 councillors”).
- Add the words Non-executive business is decided upon by “Council and/or” Committees”or by officers acting under delegated powers”

Paragraph 4

- The word “personal” is deleted and replaced by the term “exempt”. The phrase also appears elsewhere in the constitution but does not have any legal meaning.
- 4th paragraph should read “executive decisions may also be made by committees of Cabinet”

Paragraph 7

- Penultimate line substitute “set “ for “sets”

Appendix B
PART 2 Articles

ARTICLE 2 – MEMBERS OF THE COUNCIL

2.4 b. First line there appear to be words missing in the first line. Suggest add confidential “or exempt”.

3.1 should read “to” vote, “to” petition etc.

4th paragraph uses term “personal” information delete and replace by the term “exempt” information.

Final bullet point to include “or misuse of personal data”.

ARTICLE 4 – THE COUNCIL

4.1 Meanings

a. Policy Framework

Policy Framework should include the following to comply with Schedule 3 of the Functions and Responsibilities Regulations 2000:-

- Best Value Performance Plan
- Crime and disorder reduction strategy
- Licensing authority policy statement
- Community Safety Strategy
- Housing strategy

4.2 Functions of the Council

The following should be added:-

t. “except where the Council has delegated this function to a committee, sub committee or officer”.

ARTICLE 5 – THE MAYOR AND YOUTH MAYOR

5.2 Role of Protocol for the Youth Mayor

Fifth bullet point the word “direct” is deleted replaced with “To be consulted on expenditure”.

ARTICLE 7 – THE EXECUTIVE

As stated earlier, it would be preferable if the collective meetings of the executive were described as meetings of Cabinet.

ARTICLE 8 – THE STANDARDS COMMITTEE, REGULATORY AND OTHER COMMITTEES AUDIT COMMITTEE

At article 8.3 third paragraph this should read “neither a member of the Cabinet nor a member who serves”

8.5 Public Participation

Second paragraph, it should read “the Licensing and General Purposes Committees ... “ (word Committees currently omitted) and last sentence should read “respective committees”.

ARTICLE 10 - OFFICERS

10.1 Appointments of Staff

Insert the word “Monitoring Officer” after Head of Paid Service

10.4 Functions of the Monitoring Officer

f. partially repeats e. Suggest delete “and whether executive decisions are within the budget and policy framework”.

ARTICLE 11- DECISION MAKING

At 11.5, first sentence, should include officers. Suggest reword to “executive decisions may be taken by the Leader, Cabinet, Cabinet committees, individual portfolio holders or officers in accordance with a Scheme of Delegation determined by the Leader from time to time.”

At 11.7 4th paragraph should read “except those taken ... “

ARTICLE 13 – MONITORING AND REVISION OF THE CONSTITUTION

13.1 the responsibility for monitoring the Constitution rests with the Monitoring Officer suggest adding "Monitoring Officer" after "upon the advice of" and adding "in consultation" before the Chief Executive.

Appendix C

PART 3 RESPONSIBILITY OF FUNCTIONS

3.2 Executive Portfolios

To add the following wording after the first sentence and before the last, “The Leader may allocate a portfolio area to be shared (joint portfolio) between two Cabinet Members, in which case, it remains a single portfolio and the allowance is shared between the Cabinet Members”.

Appendix D

Part 4 – Rules of Procedure

Paragraph 9 – Community Presentation

Delete paragraph 9 and replace with the below wording and revised paragraph numbers.

9. Community Presentation

9.1 At the discretion of the Mayor and subject to availability on the agenda, there may be a presentation on a matter of interest to the community (Community Presentation) at any ordinary meeting of the Council.

9.2 The Chief Executive may recommend to the Mayor whether to include the Community Presentation on the agenda or refer to another Committee.

9.3 The Council may receive a presentation, relevant to the subject matter of the debate may be, from a Councillor, officer and or other invited person(s)

- (i) if the presentation is from a Councillor or officer, it should last no longer than 10 minutes.
- (ii) if another person or persons are making the presentation it should last no longer than 20 minutes.
- (iii) collectively no Community Presentation should last longer than 30 minutes. c. At the Mayor's discretion Councillors and members of the public may ask questions of those providing the, or comment on the content of the, presentation subject to a maximum time allowance for questions of 20 minutes.

9.4 No Councillor or member of the public is permitted to speak for more than three minutes.

9.5. No debate or vote will take place on the content of the Community Presentation (not being a motion before Council).

9.6 The presentation is not subject to any other rules of debate as provided for within this Constitution.

9.7 The Mayor may exercise their discretion to cease the Community Presentation with immediate effect if the above provisions are not complied with and the Community Presentation deviates from the agreed subject.

Appendix E

Part 5 Members and Officers Planning Code of Good Practice

To adopt the proposed new Code on Members and Officers Planning Code of Good Practice