

Thurrock - An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future

## Constitution Working Group

The meeting will be held at **7.00 pm** on **27 July 2023** at the **Committee Room 2, Civic Offices, New Road, Grays, Essex RM17 6SL**

### Membership:

Councillors James Halden (Chair), Deborah Arnold, Andrew Jefferies, Joycelyn Redsell, John Kent, Lynn Worrall (Vice-Chair), Lee Watson and Neil Speight

### Substitutes:

### Agenda

Open to Public and Press

	<b>Page</b>
<b>1. Election of Chair</b>	
<b>2. Election of Vice-Chair</b>	
<b>3. Apologies for Absence</b>	
<b>4. Items of Urgent Business</b>	
<b>5. Declarations of Interest</b>	
<b>6. Terms of Reference</b>	<b>1 - 2</b>
The Group are asked to note and agree their terms of reference.	
<b>7. Briefing Note - Update on the Constitution Review</b>	<b>3 - 4</b>
<b>8. CIPFA Update on Finance Procedure Rules</b>	

**9. Draft Action Points and Work Programme 5 - 12**

The Group to review both documents, make comments and agree before submission to Officer CWG.

**10. Full Council Motion 13 - 14**

To decide whether to make changes to the constitution in light of the motion proposed at Full Council in June 2023.

<b>Member Constitution Working Group</b>	
<b>Appointed by:</b> Full Council	<b>Number of Elected Members:</b> 8
<b>Chair and Vice-Chair appointed by:</b> To be appointed by The Constitution Working Group at their first meeting.	<b>Political Proportionality:</b> In accordance with political proportionality.
<b>Quorum:</b> One third of the Group's Members (3)	<b>Co-opted Members to be appointed by Council:</b> None
<b>Aims of the Constitution Working Group:</b> <ol style="list-style-type: none"> <li>1. To receive and discuss officer recommendations with regards to constitutional amendments.</li> <li>2. To consider any other recommendations raised regarding Thurrock Council's Constitution during the term of the group.</li> <li>3. To make recommendations to General Services Committee for formal recommendation to Full Council.</li> <li>4. To meet quarterly in each municipal year.</li> </ol>	
<b>Functions determined by Statute:</b> None	

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## Member Constitution Working Group

### Briefing Note: Update on Constitution Review

**Purpose of the briefing note:** To update the group on plans and activities relating to the Constitution Review.

#### 1. Introduction and Background

- 1.1 Following the publication of the Best Value report there is a requirement to undertake a significant review of the Constitution to refresh it entirely. This will include overarching issues of readability and accessibility, as well as discussion of what rules need to be included or amended.
- 1.2 The Member Constitution Working Group which is already established and has undertaken work throughout 2022 will undertake this review on behalf of General Services Committee (before final submission to Full Council for endorsement). Operating alongside this working group will be a newly created Officer Constitution Working Group (OCWG), which will consult officers on the technical, practical and professional application of any new proposed amendments.
- 1.3 External national organisations with specialisms will be brought into the review to provide capacity and expertise to ensure amendments represent national best practice.
- 1.4 This approach has been agreed by the Senior Leadership Team, Group Leaders and the General Services Committee, who have constitutional responsibility for making any recommendations to the change of the constitution to Full Council.
- 1.5 This is a large project that can only be completed in sections. As such a work programme (with associated action points table) will be devised to ensure sections are prioritised and dealt with in a systematic way.

#### 2. Update on progress to date

- 2.1 A number of activities have already started to begin the review project:
  - a. The Centre for Public Finance and Accountancy (CIPFA) has been instructed to undertake a review of the Constitution's Finance Procedural Rules and draft a new section for inclusion in the revised constitution. CIPFA have interviewed key officers and Members and are close to completing their first draft. This will be brought through the CWGs in due course and a short training programme will be schedule and delivered by CIPFA for Members and Officers to ensure effective use of the new procedure rules.

- b. The OCWG met in June to give initial feedback on the accessibility and general use of the constitution by officers across a range of departments. Action points were collected and the second meeting is scheduled for August to agree the work programme presented to Members tonight and to begin conversations around those topics identified for August.
- c. The Centre for Governance Scrutiny (CfGS) will begin their work on the O & S function at Thurrock in late July, which will include targeted training sessions for Members and a review of work programmes. Members will be invited to meet with CfGS colleagues in coming weeks.

### 3. **Next Steps**

- 3.1 The Constitution Working Group is asked to note this information and to agree the work programme presented at the meeting.

### 4. **Impact on corporate policies, priorities, performance and community**

- 4.1 There is a need to review the constitution in greater detail and totality than in previous years to comply with the findings of the Best Value Report. The useability of the constitution by all levels of the organisation is important and requires a systematic review which engages the wider Member and officer body.

**For any questions regarding this briefing note, please contact:**

**Name:** Matthew Boulter, Strategic Head of Democratic, Scrutiny and Member Services

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**DRAFT Constitution Working Group  
Work Programme  
2023/2024**

<b>Topic</b>	<b>Date</b>	<b>Working Group</b>	<b>Notes</b>
Update and Review of Finance Procedure Rules (CIPFA) <i>(Chapter 9, Part 2)</i>	August	OCWG	To receive an update from CIPFA on their work and agree potential training schedule for officers.
Overview and Scrutiny Rules <i>(Chapter 4)</i>	August	OCWG	To review chapter 4 and make any technical or professional comments in preparation for CfGS activity.
Council Procedure Rules <i>(Chapter 2)</i>	August	OCWG	To make any technical or professional comments on Chapter 2 in preparation going to the Member Group.
Update and Review of Finance Procedure Rules (CIPFA) <i>(Chapter 9, Part 2)</i>	September	MCWG	To review draft of the Finance Procedure Rules.
Overview and Scrutiny Rules <i>(Chapter 4)</i>	September	MCWG	To review chapter 4 and make any technical or professional comments in preparation for CfGS activity.
Council Procedure Rules <i>(Chapter 2)</i>	September	MCWG	To make any comments on Chapter 2 in preparation of redrafting of this section.
Officer Scheme of Delegation <i>(Chapter 6)</i>	October	OCWG	To make any technical or professional comments on Chapter 6 in preparation going to the Member Group. Views on what officers would like to see to help their daily work will be helpful.
Contract Procedure Rules <i>(Chapter 9, Part 2)</i>	October	OCWG	To make any technical or professional comments on Chapter 9, Part 2 in accordance with new Finance Procedure Rules
Revisit any further issues from September's meeting	November	MCWG	To pick up any outstanding items or updates on issues discussed.

Committees ( <i>Chapter 5</i> )	November	MCWG	To make any comments on Chapter 5 in preparation for consideration at OCV
Committees ( <i>Chapter 5</i> )	December	OCWG	To make comments on Chapter 5 in preparation for drafting new section.
Leader/Cabinet Executive ( <i>Chapter 3</i> )	December	OCWG	To make any technical or professional comments on Chapter 3 in preparation going to the Member Group.
Contract Procedure Rules ( <i>Chapter 9, Part 2</i> )	January	MCWG	To make any comments on Chapter 9, Part 2 in accordance with new Finance Procedure Rules.
Leader/Cabinet Executive ( <i>Chapter 3</i> )	January	MCWG	To make any comments on Chapter 3 in preparation for redrafting.
Ethical Governance ( <i>Chapter 7</i> )	February	OCWG/ MCWG	To make any comments on Chapter 3 in preparation for redrafting.
Officer Employment Procedure Rules ( <i>Chapter 10</i> )	February	OCWG/ MCWG	To make any comments on Chapter 3 in preparation for redrafting.
Miscellaneous ( <i>Chapter 12</i> )	February	OCWG/ MCWG	To make any comments on Chapter 3 in preparation for redrafting.



**OFFICER CONSTITUTION WORKING GROUP – CONSTITUTION REVIEW TABLE**

<b>Procedure</b>	<b>Discussion / Decision</b>	<b>Relevant part of Constitution</b>	<b>Proposed Action or Remedy</b>	<b>Owner</b>	<b>Progress</b>
<b>Threshold for key decision</b>	<p>1. Would be helpful if higher due to the lengthy Cabinet process.</p> <p>2.Restrictions should be less tight where bringing money/ savings as opposed to expenditure.</p>	TBC	CIPFA to provide comparator detail to OCWG for further discussion.	CIPFA/ OWCG	
<b>Contract Procedure Rules</b>	<p>3.Needs to be clearer who can sign what off and at what value.</p> <p>4.What is work and what is services.</p> <p>5.Could be clearer as to the Stakeholders to be consulted.</p> <p>6.A flow chart of the deadline journey /steps to be taken to get reports signed off and before Cabinet (This could be an appendix to the constitution)</p>	Chapter 9, Part 2 – Contract Procedure Rules	Democratic Services to draft	OCWG	
<b>The length of the Constitution and making it user friendly</b>	<p>7.Quick Start guide to using the constitution to make it easier to navigate such a large document and to find the relevant parts officers use the most.</p> <p>8.Difficult to find on the website</p>		<p>Democratic Services to draft</p> <p>Democratic Services to meet with Webmaster to discuss the</p>	<p>OCWG</p> <p>OCWG</p>	

**OFFICER CONSTITUTION WORKING GROUP – CONSTITUTION REVIEW TABLE**

	<p>9.Easier language could be used</p> <p>9.i)Awarding contracts, decision making processes and delegated decisions could be simplified.</p> <p>10. Basic signposting on the Constitution to be included in Staff Induction</p> <p>11.Deeper training sessions on application of the constitution to be held with Leadership Group</p>		<p>visibility of Governance Information</p> <p>Democratic Services to add a slide to their presentation at all Staff Inductions regarding the constitution</p> <p>Democratic Services Manager to provide this at Leadership Group at least annually to pick up any new senior staff members</p>	<p>OCWG</p> <p>OCWG</p>	
<b>Report writing guidance</b>	<p>12.Report writing guidance to be more visible online</p>		<p>Democratic Services to discuss with Webmaster an appropriate location to ensure report writing guidance is visible</p>	<p>OCWG</p>	
<b>Clarification on the ED2/delegation process</b>	<p>13. The recording of decisions made by officers must have an audit trail where officers are using delegated authority</p> <p>14. The ED2 Form is confusing as it is used for urgent decisions and also where an officer is given delegated authority.</p>				

**OFFICER CONSTITUTION WORKING GROUP – CONSTITUTION REVIEW TABLE**

<b>Internal Delegation Schemes</b>	15. Refresh and Develop Internal Delegation Schemes	Chapter 6			
<b>Terms of Reference for Committees</b>	16. Some of this information is to be updated	Chapter 4 part 2, Terms of Reference of Overview & Scrutiny Committees	Democratic Services to update the terms of reference for committees.		
	17. If the Committee structure changes this will need to be further amended / updated.	Chapter 5 part 5 Terms of Reference of other committees	Democratic Services to remove/ update the terms of reference for committees.		
<b>The Call-in process</b>	18. The Call-in process could be clearer in the constitution.	Chapter 4, part 3 Paragraph 10			
	19. The scope of those that can use the Call-in process is wide, in some LA's only members can complete a Call-in.				

**OFFICER CONSTITUTION WORKING GROUP – CONSTITUTION REVIEW TABLE**

**CONSTITUTION REVIEW TABLE (To include CIPFA, CFGS & LGA)**

Part of the Constitution	Discussion / Decision	Chapter / Part of the Constitution	Proposed Action or Remedy	Owner	Progress
PROCEDURE RULES					
Council Procedure Rules					
Leader/Cabinet Procedure Rules					
Scrutiny Procedure Rules					
Committee Procedure Rules					
Contract Procedure Rules					
Finance Procedure Rules					
Budget & Policy Framework Procedure Rules					
Planning Committee Procedures					
Procedure for Licensing Hearings					
Procedure for Making complaints against a Councillor					

**OFFICER CONSTITUTION WORKING GROUP – CONSTITUTION REVIEW TABLE**

Officer Employment Procedure Rules					
CODE & PROTOCOLS					
Planning Code of Good Practice					
Licensing Protocol					
Members Code of Conduct					
Officer’s Code of Conduct					
Protocol for Member / Officer Relations					
Protocol for Audio recording of Council, Cabinet, Committee and Sub-Committee					
Decision-making and allocation of functions between the Council and Executive					
<b>RESPONSIBILITY FOR FUNCTIONS</b>					
Responsibility for Council functions					
Functions which the Leader has allocated to the Cabinet, Cabinet Committees or Individual Cabinet Members					

**OFFICER CONSTITUTION WORKING GROUP – CONSTITUTION REVIEW TABLE**

Functions which are delegated to officers					
Statutory functions which as allocated to Officers					
The Standards functions					
DECISION MAKING ARRANGEMENTS					
Key decision					
Call – ins					
COMPANY, PARTNERSHIP, JOINT ARRANGEMENTS, GOVERNANCE & OUTSIDE BODIES					
Partnership Arrangements					
Area Committees and Forums					
Joint Arrangements					
Outside Bodies					

## 30. Motion submitted by Councillor Speight

The Motion, as printed in the agenda was proposed by Councillor Speight and seconded by Councillor Halden. The Motion read as follows:

*Residents get nine, or at best ten, opportunities a year to see their council in full action. Far too often vital matters are not discussed because of the guillotine regulations which foreshorten debate and discussion. This has led, in the past, to political filibustering and spurious questions to ensure that matters are not discussed in public because of the time limitation. This is not democracy in action. For full meetings only, councillors and officers should be expected to give whatever time is necessary to discuss matters. This motion does not seek to remove the limits of time individual councillors get to speak, but to remove the guillotine on separate sections of the meeting; henceforth this council calls on cabinet and/or the constitution working group to review the constitution as a matter of urgency and subsequently allow monthly full council meetings to run their full length without the need to invoke standing orders for an extension.*

The following points were made:

- There had been improvements made to the process over the last couple of years by extended the guillotine time, provided more time for questions and motions, and moved portfolio holder reports to scrutiny committees.
- There were plenty of other changes that could be introduced, but there were only certain ways to change the constitution to achieve a better democratic level of debate.
- All members should become more actively involved to strengthen and broaden the debate in the constitution.
- The call-in process could potentially stop the art of decision making.
- The Mayor was asked to allow unlimited time at council meetings to allow time for questions and motions to ensure the business could be concluded until the consultation had been completed and had been reflected in the constitution.
- Point was made that all officers and members should remain in committee meetings until all business had been completed.
- Point raised that there had to be a sensible time for meetings to finish.
- Need to look at the type of questions coming forward particularly those that could be asked directly to officers outside of the meeting.

Councillor Speight summed up by urging all members for their support.

The Mayor called a vote on the Motion.

With 47 votes in favour, the motion was carried.

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