

29 June 2022		ITEM: 14
Council		
Amendments to the Constitution		
Wards and communities affected: N/a	Key Decision: Non-key	
Report of: Cllr Robert Gledhill, Leader of the Council & Chair of the General Services Committee		
Accountable Assistant Director: N/a		
Accountable Director: Sean Clark, Corporate Director of Resources and Place Delivery		
This report is public		

Executive Summary

This report sets out the background and discussions of the recent review of the Constitution by the Constitution Working Group (CWG) and the General Services Committee. The report asks Full Council to agree those amendments which both the Working Group and the General Services Committee identified as ones requiring progression.

1. Recommendation(s)

1.1 Agree or note (where the amendment is a consequential amendment) the amendments supported by the Constitution Working Group listed at numbers 1 to 17 in Appendix 1, namely to:

Procedure Rules:

- a) Remove Portfolio Holder reports from Full Council and give Overview and Scrutiny Committees the role of receiving these reports.**
- b) Allow Portfolio Holders/relevant committee Chair to acknowledge a petition upon presentation at Council.**
- c) Extend the time for Member Questions at Full Council to 45 minutes.**

- d) Clarify rules so that the Mayor or Chair of committee agrees to call extraordinary meetings in consultation with relevant officers.**
- e) Record all votes at Full Council in order that numbers for and against can be recorded.**
- f) Extend Full Council guillotine by 30 minutes.**
- g) Extend the time for speeches on Motions by 1 minute.**
- h) Extend the time allowed for someone to present a petition to 3 minutes.**
- i) Establish an annual dedicated 'Opening of the Municipal Year' debate at June's Full Council meeting with the debate for the 2022/23 year being scheduled for the meeting in July 2022.**
- j) Clarify rules so that the Mayor or Chair of Committee agrees to cancel a meeting in consultation with relevant officers.**
- k) Formalise the process whereby, upon formal and timely notice, a different Member to the one who submitted a motion to Full Council can propose it at the meeting.**
- l) Remove the annual report from Youth Cabinet to Full Council as it is covered annually at Children's Services Overview and Scrutiny Committee.**

Licensing:

- m) Remove Licensing Committee powers relating to alcohol under Section 13 Criminal Justice Act 2001. (This is a consequential amendment)**
- n) Amend appointment of Vice Chair and Chair of Licensing Sub-Committees so that they can be appointed at the meeting.**
- o) Remove Licensing Committee powers relating to Part 1 of the Health and Safety at Work Act 1974 and transfer them to the General Services Committee.**

Contracts:

- p) Refresh Contract Procedure Rules (This is a consequential amendment)**

Overview and Scrutiny:

q) Remove Councillor Calls for Action as a standing item on O&S agendas

- 1.2 Note that five suggested amendments, set out at numbers 18 to 22 in Appendix 1, will be brought to Full Council at a later date for decision if required.**
- 1.3 Agree the actions to be taken in relation to suggestions 23 to 26 and 28 to 32 of Appendix 1.**

Following General Services Committee on 14 June 2022:

- 1.4 Note that Suggestion 27, Security of Member Emails, will return to CWG for consideration following clarification made by the General Services Committee.**
- 1.5 The terms 'he/she' be replaced with the relevant named post, in the following rules, in order to clarify decision making:**
 - Chapter 2, Part 2 – Council Procedure Rules – 3.2**
 - Chapter 4, Part 3 – Scrutiny Procedure Rules – 1.3**
 - Chapter 5, Part 2 – Committee Procedure Rules – 2.2**

2. Introduction and Background

- 2.1 In February 2022 the General Services Committee established a Constitution Working Group (CWG) to review the Constitution and make recommendations on any amendments.
- 2.2 The Constitution is the key governance document of the council. It is regularly kept updated to comply with changes to laws and a refreshed version is published annually on the Council's website. The Monitoring Officer is able to make consequential amendments to the constitution to ensure the document complies with current law and the agreed structures of the Council (portfolio holder positions or director roles for example), as well as to make minor corrections in spelling and formatting. Any further significant amendments need to be agreed at a Full Council meeting. Past practice has seen a constitution working group convened to discuss these amendments before they are presented to a Council meeting.
- 2.3 Before the CWG convened, group leaders and department heads were asked to provide a list of suggestions for the group to consider. Following this exercise, 31 suggestions were put forward with 1 further suggestion being raised at the CWG meeting:
 - 23 were political group suggestions

- 9 were officer suggestions.

2.4 The CWG met on 23 March 2022 to discuss the suggestions. The detailed outcome of each suggestion is contained in Appendix 1 but the overall summary of discussions was that:

- 17 suggestions were agreed and could be progressed with simple amendments to the Constitution.
- 5 suggestions were identified as non-constitutional issues and CWG agreed for these to be progressed outside of the constitution.
- 5 suggestions were complex and require more investigation to resolve to the satisfaction of the CWG. These will be developed over coming months and a second report will be brought to Council for decision on these items.
- 5 suggestions were rejected.

2.5 The General Services Committee met on 14 June 2022 to receive the CWG recommendations and have duly agreed these to be put before Full Council.

3. Issues, Options and Analysis of Options

17 Amendments for Progression

3.1 Amendments listed at 1 to 17 on Appendix 1 were agreed by the CWG and can be included into the Constitution. The majority of these amendments relate to the council procedure rules. If these are not agreed, they will not be progressed and the current rules will continue.

5 Non-Constitutional Issues

3.2 5 of the suggestions did not have a direct link to the constitution and Members agreed that these could be resolved by other means. These actions are outlined in Appendix 1.

5 Suggestions Requiring further Investigation

3.3 Members of CWG wanted to progress 5 suggestions which will require further investigation or time to make the necessary changes. The reasons for these are detailed in appendix 1. A further report will return to Full Council to update Members on these topics and seek relevant recommendations.

5 Suggestions were Rejected

3.4 For a range of reasons, the CWG felt 5 suggestions were not appropriate to be progressed.

3.5 Members have a choice to either agree the recommendations of the CWG/General Services Committee or not. If Members choose not to accept the amendments, in whole or in part, then procedures and rules will remain as

they are currently set. If Members wish to ask CWG/General Services Committee to review a recommendation and return with more findings/discussion they may also do so.

- 3.6 Any amendment Members agree will come into effect from the day after the meeting in which they were agreed. The Constitution will be updated accordingly online.

4. Reasons for Recommendation

- 4.1 The Recommendations have formed following political debate amongst Members from different political groups in the CWG and General Services Committee. When required officer viewpoints were sought to clarify governance and law.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 The General Services Committee is responsible, in the Constitution, for making recommendations to Full Council on constitutional matters. The establishment of the CWG allowed for a wider selection of Members to participate in the discussion and feedback to the committee.
- 5.2 Relevant officers are aware of the recommendations of the CWG and General Services Committee.
- 5.3 General Services Committee met on 14 June to consider the CWG recommendations. They agreed with the recommendations but wished the issue of Security of Member Emails to have a constitutional reference, which will be discussed at the next CWG meeting and for clarity to be added to the procedures in cancelling or convening committee meetings by replacing pronouns with the named posts responsible for the decisions. These are outlined in recommendations 1.4 and 1.5.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 Allowing Members to reflect on the suitability of the constitution, within the bounds of the law, allows for a responsive and relevant constitution to operate which supports the desires of the elected body.

7. Implications

7.1 Financial

Implications verified by: **Dammy Adewole**
Senior Management Accountant

There are no significant financial implications to this report.

7.2 Legal

Implications verified by: **Mark Bowen**
Interim Head of Legal Services

Section 9P of the Local Government Act 2000 (as amended) (the 2000 Act) requires local authorities to have a document which comprises their Constitution. Thurrock has adopted the Leader and Cabinet model of governance and the 2000 Act and regulations made thereunder provide the detail on the division of functions between the various parts of the Council including providing detail on how the Cabinet and Scrutiny functions are required to operate. These are supplemented by other primary and secondary legislation the Local Government Act 1972 which provides detail on the operation of full Council and Council committees and the Local Government and Housing Act 1989 which introduced political balance. The proposed changes have been considered against the relevant provisions within this framework and are ones the Council can lawfully make.

7.3 Diversity and Equality

Implications verified by: **Rebecca Lee**
Community Development and Equalities Team

A Community Equality Impact Assessment has been completed identifying no negative implications across all protected groups. The CWG has taken into account the differing views of Members when deliberating their recommendations. All proposed amendments ensure equal access to the procedures for all Members of the Council.

7.4 Other implications (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, or Impact on Looked After Children

None.

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- The Council's Constitution, available at www.thurrock.gov.uk

9. Appendices to the report

- Appendix 1 – Summary document of CWG amendment suggestions and their outcome.
- Appendix 2 – Draft wording for amendments in the Constitution.

Report Author:

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Democratic Services Officer and Interim Monitoring Officer

Legal & Democratic Services