

**COUNCIL**  
**15 MAY 2025**

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## **CONSTITUTION UPDATE**

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**Responsible Cabinet Member – Councillor Stephen Harker, Leader**

**Responsible Director – Elizabeth Davison,  
Executive Director of Resources and Governance**

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## **SUMMARY REPORT**

### **Purpose of the Report**

1. To approve changes to the Council's Constitution.

### **Summary**

2. Following the senior management restructure agreed by Council on 24 September 2024, internal restructuring and organisational changes have been underway. As a result, amendments to the Constitution are required to reflect changes to senior management roles and address appointments to a number of Proper Officer and Statutory Officer roles. These changes are necessary to ensure that the Constitution remains up-to-date.
3. A number of further changes are proposed in order to better facilitate the work of the Council's committees.

### **Recommendations**

4. It is recommended that:
  - (a) The updates and changes to the Constitution as detailed in this report, unless otherwise stated, be approved.
  - (b) The Monitoring Officer is delegated to update the Constitution to reflect the changes identified.

### **Reasons**

5. The recommendations are supported to ensure that the Constitution is clear, accurate, up-to-date and fit for purpose.

**Elizabeth Davison,  
Executive Director of Resources and Governance**

### **Background Papers**

The Constitution of the Council

Amy Wennington: Extension 5490

Council Plan	An up to date and clear Constitution should contribute to the decision making and governance arrangements and help members and officers to deliver the Council plan.
Addressing inequalities	There is no direct impact on inequality.
Tackling Climate Change	There is no impact on climate change.
Efficient and effective use of resources	Improving the clarity of the Constitution will help with efficiency
Health and Wellbeing	There are no direct issues relating to Health & Wellbeing.
S17 Crime and Disorder	There is no direct impact on Crime and Disorder.
Wards Affected	There will be no direct impact on any particular ward.
Groups Affected	There will be no direct impact on any particular group.
Budget and Policy Framework	Amendments to the Constitution need to be approved by Council.
Key Decision	This is not an Executive Decision
Urgent Decision	This is not an Executive Decision
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers

## MAIN REPORT

### Information and Analysis

6. The Council's Constitution prescribes the framework for Council decision making and the procedures that are followed.
7. Some updating of the Constitution will be needed from time to time as a matter of good house-keeping, and there are also a number of updates and changes proposed to ensure that the overall Constitution remains up-to-date and fit for purpose.

### Senior Management, Proper Officer and Statutory Officer Roles

8. Following the senior management restructure agreed by Council on 24 September 2024, internal restructuring and organisational changes have been underway. As a result, amendments to the Constitution are required to reflect changes to senior management roles and address appointments to a number of Proper Officer and Statutory Officer roles.
9. Part 1 of the Constitution (Summary and Explanation) details the Statutory Employees, with Paragraph 40 outlining the appointment of the Council's Statutory Scrutiny Officer. Following the amalgamation of the roles of Democratic Manager and Elections Manager, this role will now be undertaken by the Democratic and Elections Manager, and the Constitution should be updated to reflect this new role.
10. In Part 2 (Responsibility for Functions), the table at Paragraph 23 outlines 'local choice functions', and the Constitution sets out in detail who is responsible for them. A number of references are made to the 'Group Director of Services', however this should be corrected as follows:
  - (a) Point 8 within the table – reference to the 'Group Director of Services' to be changed to 'Executive Director for Economy and Public Protection';
  - (b) Point 9 within the table – reference to the 'Group Director of Services' to be changed to 'Executive Director for Economy and Public Protection';
  - (c) Point 10 within the table – reference to the 'Group Director of Services' to be changed to 'Executive Director for Economy and Public Protection';
  - (d) Point 12 within the table – reference to the 'Group Director of Services' to be changed to 'Executive Director for Environment, Highways and Community Services, and the Executive Director for Economy and Public Protection';
  - (e) Point 13 within the table – reference to the 'Group Director of Services' to be changed to 'Executive Director for Environment, Highways and Community Services, and the Executive Director for Economy and Public Protection';
  - (f) Point 14 within the table – reference to the 'Group Director of Services' to be changed to 'Executive Director for Environment, Highways and Community Services, and the Executive Director for Economy and Public Protection';

- (g) Point 15 within the table – reference to the ‘Group Director of Services’ to be changed to ‘Executive Director for Environment, Highways and Community Services, and the Executive Director for Economy and Public Protection’; and
  - (h) Point 16 within the table – reference to the ‘Group Director of Services’ to be changed to ‘Executive Director for Environment, Highways and Community Services’.
11. Part 2, Schedule 4 (Scheme of Delegation to Officers) outlines the Statutory Officer and Proper Officer Powers, and again an amendment needs to be made to reflect that the Council’s Statutory Scrutiny Officer will be the Democratic and Elections Manager (as opposed to the Democratic Manager).
  12. Within this section, it also identifies the Assistant Director, Law and Governance as the Returning Officer, however, as part of the senior management restructure, the role of Returning Officer will now sit with the Chief Executive, and so the Constitution should be updated to reflect this.
  13. As a consequence of this change, the Chief Executive will also become the Proper Officer for the purposes of discharging the functions identified under the Representation of the People Act 1983, the Local Elections (Principal Area) Rules 1986 (now the Local Elections (Principal Area) Rules 2006), and the Local Elections (Parishes and Communities) Rules 1986 (now the Local Elections (Parishes and Communities) (England and Wales) Rules 2006) within this section, and the necessary amendments to the Constitution will need to be made.
  14. Likewise, the Assistant Director, Law and Governance, is currently listed as the Electoral Registration Officer within this section, however this role has also been transferred to the Chief Executive, and will need to be updated accordingly.
  15. The Property Procedure Rules make a number of references to the ‘Assistant Director, Economic Growth’ (namely at paragraphs 3, 4, 6, 10, 17, 24, 36, 37, 40, 43 and 46), however the role no longer appears on the organisational structure and therefore reference to this position should be updated to the ‘Executive Director, Economy and Public Protection’.
  16. Paragraph 17 of the Property Procedure Rules states ‘Where Property is to be acquired by the Council including by a compulsory purchase order the Group Director of is to be responsible for seeking Cabinet approval...’, and in light of the recent structural organisational changes ‘Group Director of’ should be updated to ‘Executive Director for Economy and Public Protection’.
  17. Paragraph 35 (c) of the Property Procedure Rules refers to the ‘Group Director of Services’, and again this should be updated to ‘Executive Director for Economy and Public Protection’.
  18. Paragraph 2.9 of the Anti-Bribery Policy and Procedures references Luke Swinhoe as the Assistant Director, Law and Governance, and should be amended to reflect Amy Wennington’s appointment to the role following Luke Swinhoe’s retirement.

19. The same paragraph also lists Elizabeth Davison as the 'Group Director of Resources', and this should be amended to 'Executive Director, Resources and Governance', to reflect the revised job title.

### **Council Committees**

20. Part 2, Schedule 1 of the Constitution outlines the Council's Committees, their membership and their powers. It is proposed to update the protocols for both the General Licensing Sub-Committee and Licensing Act 2003 Sub-Committee, to reflect that the Chairs of the respective parent Committees (the General Licensing Committee and the Licensing Act 2003 Committee) also chair meetings of the sub-committees.
21. It would seem appropriate that, where a Special Responsibility Allowance is paid for the discharge of a role, that the individual elected exercises that role in relation to all matters pertaining to that committee, especially in this case, where the majority of matters dealt with in relation to licensing are undertaken by the sub-committees.
22. Where the Chair is unable to attend a meeting of the sub-committee, then the Vice-Chair will chair in the Chair's absence, and where neither is able to attend the meeting, then a Chair will be elected from those in attendance at the meeting.
23. The protocol for the General Licensing Sub-Committee will read *'The Chair of the General Licensing Committee shall chair meetings of the General Licensing Sub-Committee. If the Chair of the General Licensing Committee is not in attendance at a meeting of the General Licensing Sub-Committee, then the Vice-Chair will chair the meeting in the Chair's absence. Where neither the Chair or Vice-Chair is present, then a Chair will be elected from those Members in attendance at the meeting. Cabinet Members cannot be appointed as Chair or Vice-Chair of the General Licensing Sub-Committee'*.
24. The protocol for the Licensing Act 2003 Sub-Committee will therefore read *'The Chair of the Licensing Act 2003 Committee shall chair meetings of the Licensing Act 2003 Sub-Committee. If the Chair of the Licensing Act 2003 Committee is not in attendance at a meeting of the Licensing Act 2003 Sub-Committee, then the Vice-Chair will chair the meeting in the Chair's absence. Where neither the Chair or Vice-Chair is present, then a Chair will be elected from those Members in attendance at the meeting.. Cabinet Members cannot be appointed as Chair or Vice-Chair of the Licensing Act 2003 Sub-Committee'*.

### **Council Procedure Rules**

25. Chairs and Vice-Chairs of committees are currently appointed at the respective committee's initial meeting of the Municipal Year. In recent years this has resulted in committees not having Chairs or Vice-Chairs in place for a number of weeks at the beginning of the Municipal Year, which has delayed work in relation to work programming for Scrutiny Committees, and decisions taken under delegation in relation to the Planning Applications Committee.
26. Other local authorities include a provision within their Constitution to allow their Full Council to appoint the Chairs and Vice-Chairs to committees when approving the membership of committees at their Annual Meeting of the Council. This enables Chairs

and Vice-Chairs to be in place from the beginning of the Municipal Year, thus removing any unnecessary delays to working.

27. It is therefore proposed to amend Paragraph 1 (f) of the Council Procedure Rules to enable the appointment of Chairs and Vice-Chairs at the Annual Meeting of the Council. Paragraph 1 (f) will therefore read: *'Appoint Scrutiny Committees, Quasi-Judicial Committees and Statutory and Subsidiary bodies as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Cabinet functions; and appoint the Chairs and Vice-Chairs of the Adults Scrutiny Committee, the Children and Young People Scrutiny Committee, the Communities and Local Services Scrutiny Committee, the Economy and Resources Scrutiny Committee, the Health and Housing Scrutiny Committee, the General Licensing Committee, the Licensing Act 2003 Committee, the Planning Applications Committee, the Audit Committee, the Council Decision Making and Scrutiny Process Working Group, and the Climate Change Committee'*.

### Consultation

28. The Constitution update has been raised with Chief Officers and Senior Managers as part of the review. Groups Leaders have also been consulted on the proposed changes.
29. The Local Government Act 2000 requires that the adoption of a local authority's Constitution is exercised by the Council.