

COUNCIL
14 JULY 2022

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: CONSTITUTIONAL AMENDMENT – ANNUAL REVIEW

REPORT OF: THE SERVICE DIRECTOR LEGAL AND COMMUNITY & MONITORING OFFICER

EXECUTIVE MEMBER: THE LEADER OF THE COUNCIL: COUNCILLOR ELIZABETH DENNIS-HARBURG

COUNCIL PRIORITY: A brighter future together

1. EXECUTIVE SUMMARY

- 1.1 To present an annual review report which cover amendments identified by Members and Officers, including changes to roles and responsibilities of Officers and Executive Member. This also identifies changes to one Cabinet Panel – Community.

2. RECOMMENDATIONS

- That Full Council
- 2.1. approves the amendments in Appendix A;
- 2.2. notes the changes to *Executive portfolio* areas identified in Section 14* (table shaded green);
- 2.3. notes the typographical error changed in Section 20 (Contract Procurement Rules) under Rule 33.9 (as described in Appendix A), on 19 April 2022 (table shaded green).

3. REASONS FOR RECOMMENDATIONS

- 3.1. To ensure the Constitution remains up to date, and continues to improve its working practices where legally possible.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. None.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. The proposals were circulated to Group Leaders in advance of publishing the report and may be subject to proposed amendment at Full Council.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key Executive decision, it is a Full Council decision and has therefore not been referred to in the Forward Plan.

7. BACKGROUND

- 7.1 As per 2.4 of the Constitution, an Annual review should be undertaken, with a substantive review every 3 years. The last substantive review was undertaken in 2019/20 and is therefore due in 2022 for implementation in 2023. At this stage there are some service area changes, and portfolio alignments. A further report will be presented later in the year to cover some of the Cabinet Panels.

- 7.2 This report covers potential amendments identified by Officers and Members.

8. RELEVANT CONSIDERATIONS

- 8.1. Those set out in Appendix A to this report reflect reasons for the proposed change and those who have identified them (where relevant).
- 8.2. Recommendation 2.2 refers to administrative changes made to section 14 following the Leader's decision on Executive Member portfolio areas.
- 8.3. Recommendation 2.3 is to notify member of one typographical amendment that was made to the Contract Procedure Rule.

9. LEGAL IMPLICATIONS

- 9.1. Full Council's terms of reference include "approving or adopting the Policy Framework". The Policy Framework includes the Constitution.
- 9.2. Section 37 Local Government Act 2000 requires the Council to have in place a Constitution and to keep that under review. The Local Government Act 2000 section 9P sets out the requirements of a local authority's Constitution, including the requirements to prepare it and keep it up to date and the requirement to make it available for public inspection.
- 9.3. In terms of minor amendment due to typographical errors (recommendation 2.3) the Constitution provides:

2.6.2 Minor Changes

If, in the reasonable opinion of the Monitoring Officer or the Chief Finance Officer, a change is:

(b) required to be made to remove any inconsistency, ambiguity or typographical error;..

the Monitoring Officer or the Chief Finance Officer may make such a change. Changes under 2.6.2 must be notified to all Members.

10. FINANCIAL IMPLICATIONS

- 10.1 There are no financial implications arising from this decision.

11. RISK IMPLICATIONS

- 11.1. Ensuring the Council has appropriate governance arrangements in place is an important risk mitigation measure. The Council's Constitution is a fundamental part of those governance arrangements.

12. EQUALITIES IMPLICATIONS

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 In respect of recommendation 2.3, the amendments will allow greater flexibility, community engagement, which is likely to be of benefit to vulnerable people/ groups in the community.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 The Social Value Act and “go local” requirements do not apply to this decision as this is not a procurement exercise or contract.

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 There are no direct implications from this report.

15. ENVIRONMENTAL IMPLICATIONS

- 15.1 None from the amendments proposed.

16. APPENDICES

- 16.1 Appendix A – schedule of proposed changes.

17. CONTACT OFFICERS

- 17.1 Jeanette Thompson, Service Director Legal and Community, Monitoring Officer
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18. BACKGROUND PAPERS

- 17.1 Constitution see web-page <https://www.north-herts.gov.uk/council-constitution>