

## **Standards Committee – 22 April 2013**

### **Review of the Council's Constitution**

#### **1. Summary of report:**

The purpose of this report is to provide information to Elected Members about a proposed addition to the Council's constitution in respect of delegating the Monitoring Officer, in consultation with Group Leaders of the Council and the Standards Committee, to make minor alterations, additions, deletions and amendments to the Constitution without the necessity of seeking approval of Full Council.

#### **2. Background papers:**

None.

#### **3. Recommendation: -**

That Council be recommended to:-

- (1) grant authority to allow the Monitoring Officer to make minor alterations, additions, deletions and amendments to the Constitution in consultation with Group Leaders and the Chair of the Standards Committee;
- (2) approve the amendment of the Monitoring Officer's delegations to reflect the change as set out above in recommendation 1;
- (3) approve the amendment of 4.02 (a) of Article 4 of the Constitution to permit the Monitoring Officer to undertake the functions set out above in recommendations 1 and 2;
- (4) approve the amendment of Article 14 of the Constitution to permit the Monitoring Officer to undertake the functions set out above in recommendations 1 and 2.

#### **4. Background**

The purpose of the Council's constitution is to:

- Enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations at local regional and national level, seeking always secure the best interests of the citizens of Walsall;
- Support the Council's commitment to social inclusion and community cohesion and active involvement of citizens in the process of local authority decision-making and seeking to facilitate a greater understanding of how the Council operates and reaches its decisions;
- Help Councillors represent their constituents more effectively;

- Enable decisions to be taken efficiently and effectively and ensure that those responsible for making decisions are clearly identifiable to local people and are required to explain the reasons for their decision;
- Create a powerful and effective means of holding decision-makers accountable to the public account through an effective scrutiny process;
- Ensure that no one will review or scrutinise a decision in which they were directly involved;
- Provide a means of improving the delivery of services to the community through the application best value principles.

The Council monitors and evaluates the operation of the constitution as set out in article 14, which provides that the Council will monitor and review the operation of the constitution to ensure that the aims and principles of the constitution are given full effect. In this process the Monitoring Officer may receive recommendations from the Audit Committee, Standards Committee, Scrutiny and performance Panels, or the Chief Executive.

The constitution is reviewed on an annual basis and a report is submitted to annual Council containing amendments to the constitution, in particular the schemes of delegations. This report also reflects changes made to the constitution throughout the municipal year.

Currently the constitution provides that changes to the constitution will only be approved by the Council after consideration of the proposal by the Monitoring Officer. There is no discretion at present for the Monitoring Officer to make minor alterations, additions or amendments to the constitution following a process of consultation with elected members.

It would make sense for the Monitoring Officer to have such power to aid the efficient running of the council, and to ensure that as soon as any errors, in particular legal errors, are amended as quickly as possible. Any substantive changes to the constitution would still be reported to council by individual report.

Legal and Democratic Services will be carrying out a more substantive review of the constitution over the forthcoming 12 months and to encourage elected member involvement would like to report such proposed changes to the Standards Committee. Any changes would still need to be agreed by Council but it is felt that this would be a useful role for Standards Committee to fulfil. This would give the committee a role in wider governance issues, including the review of protocols and guidance that are contained in Part 5 of the Constitution.

## **5. Resource and legal considerations:**

None directly related to this report.

## **6. Performance and Risk Management issues:**

Performance and risk management are a feature of all council functions. It is important that council policies and procedures are reviewed and updated on a regular basis. If the council fails to do this there is an increased risk that the council will be subject to legal challenge or litigation.

In terms of performance it is important that both Elected Members have a clear framework of standards to follow in delivering services to the community. These frameworks provide accountability and transparency in respect of the way in which the council delivers services. The constitution is a key part of this framework of internal control.

## **7. Equality Implications:**

In maintaining up to date policies and procedures the Council will ensure that services are delivered fairly in an open and transparent manner. There are specific requirements in both codes that elected members and officers observe equalities.

## **8. Consultation:**

Consultation with relevant parties will be carried out when the Constitution is reviewed.

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