

# Annual Council – 26th May 2021

## Constitution and timetable of meetings 2021/2022

### 1. Summary of report

- 1.1 This report sets out proposed amendments to the Constitution and is produced in accordance with the requirements of Article 13 of the Constitution and the Council's duty to monitor and review the Constitution.
- 1.2 The report also sets out the timetable of meetings to be adopted for the municipal year 2021/2022.
- 1.3 A further report setting out changes to Officer Delegations will be submitted to a future meeting of Council.

### 2. Recommendations

That:-

1. the amendments to the Constitution as set out in the appendix 1 to this report be approved:
2. That the timetable of meetings for the municipal year 2021/2022 as set out in **Appendix 2** of the report be approved.

### 3. Background information

- 3.1 A review of the Constitution is undertaken annually to ensure that it is up to date and fit for purpose. Appendix 1 provides a summary of the changes requested.
- 3.2 In addition to the summary of changes, Appendix 3 contains the 'Members Access to Information' section.
- 3.2 Due to the significant restructuring of senior tiers, the amendments to the Scheme of Delegations will be considered at a future meeting of Council.

### 4. Timetable 2021/2022

- 4.1 The High Court ruled that it was not permissible for virtual meetings to continue post 6 May 2021.
- 4.2 The Government's [COVID-19: Guidance for the safe use of council buildings](#), includes [working safely guidance](#) which should be followed when local authority meetings take place in person.

- 4.3 To adhere to the guidance and to enable through cleaning of the areas before and after each meeting, it is proposed that the meeting timetable operates at a reduced capacity from May 2021 to 31<sup>st</sup> August, 2021.
- 4.4 In order for business to be administered in the most effective way possible, it is important that once the timetable is agreed by the Council, only in the most exceptional circumstances should meeting dates be re-arranged.

### **Background papers**

None

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Anthony A.

Director of Governance  
14th May 2021

## Appendix 1

Part/Article	Revision(s)	Reason
<b>Part 2</b> <b>Article 4 – The Council</b> <b>4.01 (a) (i)</b>	Remove Community Strategy	Section 100 of the Deregulation Act 2015 repeals the Duty to prepare a Sustainable Community Strategy
	Crime and Disorder Strategy to include in brackets:-  (Safer Walsall Partnership/Community Safety Strategy)	Local name for the document so it's clear.
<b>Part 2</b> <b>Article 4 – The Council</b> <b>4.01 (a) (ii)</b>	Licensing Authority Policy Statement to be reworded to:-  Statement of Licensing Policy	Reflects wording of document.
	Remove:-  Quality Protects Management Action Plan	No longer required.
	Community Cohesion Strategy to be reworded:-  Cohesion and Integration Strategy	Reflects wording of document.
	Remove:-  Children and Young People's Plan	No longer required by Statute
<b>Part 2 – Article 10 Officers</b>	Updated 10.01 (b) and (c) Management Structure updated to reflect the new structure.	New Structure in place
	Updated 10.04 (f) to read:-  In the event of the prolonged absence of the Section 151 Officer the role reverts in the first instance to the Director of Finance, Corporate Performance and Corporate Landlord and then to the Head of Finance.	Updated to reflect new structure

<p><b>Part 2 – Article 11 Decision Making</b></p>	<p>Change ‘Key Decision’ threshold for significant expenditure/savings - increased to £500,000.</p> <p>11.03 (ii) replace £250,000 with £500,000.</p>	<p>Agreed by Group Leaders</p>
<p><b>Part 3.2 Responsibility for Council Functions</b></p>	<p><b>Corporate Parenting Board</b></p>	
	<p>Remove following wording:-</p> <p><i>....subject to them having undertaken the relevant training as detailed below</i></p>	<p>Formal training is not a pre requisite to serving on the Board either as a member or substitute.</p>
	<p><b>Health and Wellbeing Board</b></p>	
	<p>Revised Remit, frequency and start time.</p>	<p>Resolution of the Health &amp; Well Being Board</p>
	<p><b>Adoption Panel</b></p>	
<p>The following to be inserted under bullet 1:-</p> <p>Every Local Authority has a Statutory Responsibility to be part of a Regional Adoption Agency. Walsall are part of Adoption@Heart alongside Dudley Council, Wolverhampton Council and Sandwell Council. Adoption Panels are coordinated via the Regional Adoption Agency.</p>	<p>Statutory Responsibility</p>	
<p><b>Schools Forum</b></p>		
<p>List of Observers updated to show correct title of Portfolio Holder as follows:-</p> <ul style="list-style-type: none"> <li>• Cabinet Portfolio Holder for Education and Skills</li> </ul> <p>Under <b>Role</b> - The words ‘(Every Child Matters) to be deleted from the Combined Budgets bullet point</p>	<p>To ensure information is correct.</p>	
<p><b>Part 4.2 Access to Information Procedure Rules</b></p>	<p>A new section entitled ‘Members Access to Information’ has been inserted.</p> <p>This was previously contained within the ‘Member/Officer Protocol’ and has been updated to reflect legislation and make the position</p>	<p>To ensure that access to information rules are clear and easily located within the Constitution.</p>

	clear.	
<b>Part 4.8 Contract Rules</b>	That all references to Assistant Directors be removed and replaced with 'Directors' from the Financial Rules, definitions table and Appendix.	Reflect change in Senior Management Structure
	That the Head of Legal and Democratic Services be replaced with 'Director of Governance' throughout the Contract Rules.	Reflect change in Senior Management Structure
	That the words Executive Director Regeneration be removed and replaced with Executive Director (Resources and Transformation) at paragraphs 22.1, 22.6 & 22.7	Reflect change in Senior Management Structure
<b>Part 5 – Codes and Protocols</b>		
<b>3. Member/Officer Protocol</b>	Paragraphs 9.1 – 9.10 of member officer protocol (access to information) deleted.	Updated and moved to new section under Part 4.2 (paragraph 25) 'Access to Information' as more relevant and clear.
	Paragraph 5.7 and Section 15 updated to remove 'Assistant Director' and replace with 'Director'	Reflect change in Senior Management Structure
<b>18. Chief Finance Officer Protocol</b>	Wording in 2 <sup>nd</sup> paragraph to be amended to remove reference to 'The Assistant Director of Finance and replace with 'Executive Director – Resources and Transformation'.	Reflect change in Senior Management Structure
<b>19. Flag Flying Protocol</b>	To be updated to follow Government Guidance which:-  Encourages the Union flag to be flown everyday;  Advises that where UK Government buildings have more than one flagpole, and two flags are being flown, the Union Flag must always be flown in the superior position which is either:	To adhere to Government Guidance.

	<ul style="list-style-type: none"> <li>• the highest flagpole</li> <li>• the centre flagpole where there is an odd number of poles of the same height or;</li> <li>• the left centre flagpole viewed from the front of the building, where there is an even number of poles of the same height.</li> </ul>	
	Remove Europe Day from the Flag Flying Protocol	<p>The College of Arms is the Crown Body with responsibility for flags and other heraldic matters and Europe doesn't include Europe Day.</p> <p>Europe Day is no longer a designated Flag Flying day.</p>
<b>23. Cabinet - Scrutiny Protocol</b>	New Cabinet - Scrutiny Protocol inserted	Recommendation of the Scrutiny Overview Committee – 10.03.2020
<b>Part 6 – Members Allowances Scheme</b>	Updated following resolution of Council on 25 <sup>th</sup> February, 2021.	Council decision February, 2021
<b>Part 7 – Management Structure</b>	New Management Structure	Senior Management Restructuring
<b>Part 10 – List of members of the Council</b>	Updated following Elections in May	To ensure the list is up to date.
<b>Part 11 – Member Interests</b>	Updated to confirm that the register is held in Legal Services.	To provide clarity.