

PROPOSED REVIEW OF CONSTITUTION

Report of the Strategic Head of Service & Monitoring Officer (Legal and Democratic Governance)

1. INTRODUCTION AND PURPOSE OF REPORT

- 1.1 To outline areas of the Constitution that require a review pursuant to the Monitoring Officer's obligation to review the Constitution to ensure it remains up to date in so far as possible and to consider further changes as suggested by Members of the Constitution Working Party.

2. BACKGROUND

- 2.1 Three meetings of the Constitution Working Party have been arranged in September, November and December to discuss the following suggested topics for review. Members are welcome to suggest any further topics for review under AOB at the meeting on 23 September 2021 or at the future meetings.
- 2.2 The Monitoring Officer can make only typographical amendments and amendments required by law to the Constitution without approval from the Council Meeting.
- 2.3 The Monitoring Officer would like to discuss the following proposals for amendments to the constitution:-
- 2.3.1 Definitions contained in Scheme of Delegation – Part 3 Section 8 Officer Functions (page 91). Many of the definitions contained in this section of the constitution are out of date and therefore a revision is recommended.
- 2.3.2 Informal Council - PR1 – Council Meeting Procedure Rules (page 193). Whether consideration should be given to removing this paragraph 1.2 or including a reference in the constitution that the informal Council Meeting is held in private in order to maintain its purpose of avoiding disagreement at the ceremonial Annual Council Meeting.
- 2.3.3 Contract Procedural Rules – (PR 6 page 251) these are currently being reviewed by officer representatives of the 4 STAR authorities with a view to agreeing a consistent set of procedure rules. The draft will be brought to this committee as soon as possible.
- 2.3.4 Councillors Code of Conduct – (Part 5 - CP1 (page 297) a new model code of conduct has been issued by the LGA. This has been considered by the council's Standards Committee and approval of it by that committee, to then bring to this committee, is awaiting the outcome of a meeting at the end of September 2021 with all of the Greater Manchester Chief Legal Officers (to ascertain whether a GM consistent approach is required).

- 2.3.5 Mayoralty – CP10 – Nominations of Mayor and Deputy Mayor (page 368). It would be useful if an addition could be made that nominations be received in writing by the Chief Executive prior to 30 September each year and that the requirement for the proposals to be considered by Cabinet be removed.
- 2.3.6 Update to Channel Panel as per request from Cabinet Office – there is a statutory duty to ensure that the requirements of the Channel should be reflected in relevant local policy, guidance and the local authority's constitution. It is recommended that this statutory duty be designated to one of the Corporate Directors in the Scheme of Delegation in the council's constitution.
- 2.4 Cllr Smart would like to discuss proposed amendments to the following sections of the Constitution:-
- 2.4.1 *Area Committee Functions* ([Part 3, Section 4; pages 58-62]);
- 2.4.2 *Full council:-*
- 2.4.2.1 *length of comments and cabinet reports* ([Part 5, PR1; page 194; Rule 2.1(e)(i)]).
- 2.4.2.2 *order of agenda items* ([Part 5, PR1; page 194; Rule 2.1]).
- 2.4.2.3 *questions being invited for the transport/waste/police representatives but not pension or airport committees* [(Part 5, PR1; page 194; Rule 2.1(b)(iv)].
- 2.4.2.4 *notice period for amendments to motions* [(Part 5, PR1; page 201; Rule 12 (motions) and Page 203; Rule 14.6 (amendments)];
- 2.4.3 *Membership of committees that sit outside proportionality calculations.*

3. CONCLUSIONS AND RECOMMENDATIONS

- 3.1 That the committee review the above proposals and agree the way forward in relation to proposed amendments to take forward through the governance process.

BACKGROUND PAPERS

There are none

Anyone wishing to inspect the above background papers or requiring further information should contact Vicki Bates

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