

ANNUAL COUNCIL

Wednesday, 24 May 2023

REPORT TITLE:	ADOPTION OF A REVISED CONSTITUTION
REPORT OF:	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

This report provides for approval the updated Council Constitution which has been amended to incorporate proposed changes referred to Council by the Constitution and Standards Committee who met on 13 April 2023 as well as minor drafting changes proposed by the Monitoring Officer.

The proposed changes recommended by the Constitution and Standards Committee are in relation to:

- Sharing written responses to public questions with the public (SO 10.9 (c) and 12.6 (c))
- Sharing of motions and amendments without notice (SO 14(h))
- Acceptance of grant funding by Officers
- Questions to members appointed to Joint Authorities at Council meetings (SO12.1)

The proposed changes recommended by the Monitoring Officer are in relation to:

- Amending to the Director of Resource as the Section 151 Officer
- Minor amendment to the name and Terms of Reference of the Licensing Panel
- Minor amendment to the Budget and Policy Framework Procedure Rules
- Minor amendment to the Terms of Reference of Children, Young People and Education Committee

The revised Constitution can be found here: [Draft Constitution 2023/24](#)

RECOMMENDATION/S

Council is recommended to:

- (1) endorse the amendments to the Constitution detailed in paragraphs 3.2 to 3.5 as recommended by the Constitution and Standards Committee.

(2) endorse the minor amendments to the Constitution detailed in paragraph 3.7 as recommended by the Monitoring Officer.

(3) adopt the revised Constitution.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 Throughout the Municipal year 2022/2023 a number of matters were drawn to the attention of the Monitoring Officer by Members, Officers and Members of the public in respect to the scheme of delegation and other aspects of the Constitution. The Monitoring Officer presented a summary report to the Governance Working Group on 23rd March 2023 and the outcomes of that working group were presented to the Constitution and Standards Committee on 13th April 2023.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Council could decide that having considered the matters referred to in the report, that they do not deem it necessary to amend the Constitution.

3.0 BACKGROUND INFORMATION

- 3.1 At the meeting of Constitution and Standards Committee on 13th April 2023, Members considered four issues and suggested changes to the Constitution to address these issues.
- 3.2 The Constitution as drafted doesn't allow members of the public to see written responses to Public and Member Questions, therefore it is proposed that "and included as an addendum to the Minutes" is added to Standing Orders 10.9(c) and 12.6(c) to enable public question responses to be shared with the minutes.
- 3.3 Whilst there would be occasions when a Political Group or individual Member would not wish to do so and there is no legal requirement to do so, it is considered good practice to share motions and amendments in advance of a Committee meeting, therefore it is proposed that "(members are strongly encouraged, where possible, to share motions and amendments in advance with fellow Committee Members in advance of the meeting)" to Standing Order 14(h) 'to amend a motion'.
- 3.4 To enable effective and efficient acceptance of grant funding, it is recommended that a further paragraph 2(d) is added to Part 3(c) Overview and Scheme of Delegations of Authority to Officers to read:
- (d): In respect to the receipt of grant funding, express delegation is given to the Section 151 Officer. Relevant Chief Officers will subsequently report the acceptance of the grant funding to the appropriate Committee. Spend of grant funding will be dealt with in accordance with sections 2(a) to 2(c) above.
- 3.5 To enable questions on notice to representatives on Joint Authorities at Council in accordance with Section 41 of the Local Government Act 1985, Standing Order 12.1 be amended to remove reference to "any representative of the Council on the Combined Authority", and Standing Order 12.2 Questions on Notice at Full Council be amended to include representatives of Joint Authorities.
- 3.6 Full details of the proposed changes can be found in the report to Constitution and Standards appended to this report.

3.7 Further changes have been proposed by the Monitoring Officer as part of regular maintenance and updating of the Constitution. These include:

- Updates to the Terms of Reference of Regulatory and General Purposes Committee and Licensing Act Committee so that the Regulatory Sub-Committee is referred to as the Licensing Panel.
- Deletion of reference to the Director of Resources in relation to acting as the Section 151 Officer and its replacement with Director of Finance.
- Amending the process for agreeing the budget in the Budget and Policy Framework Procedure Rules to include a further informal meeting of Policy & Resources Committee if the budget is not agreed as opposed to a formal meeting.
- Amending the Terms of Reference for Children, Young People and Education Committee to include reference to Schools Forum in the functions exercisable by the Council in relation to the provision of Education.

4.0 FINANCIAL IMPLICATIONS

4.1 There are no financial implications.

5.0 LEGAL IMPLICATIONS

5.1 Part 3, Section A of the constitution details those functions which are reserved to the Council Meeting. Point 2 (k) stipulates those significant changes to the Council's Constitution, include adopting and amending standing orders, Rules of Procedure, Contract Procedure Rules, Financial Regulations, Codes and Protocols that make up the Constitution.

5.2 Where the Constitution & Standards Committee concludes that the Council Procedure Rules be amended, then a recommendation must be made to the Council for a final decision.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 There are no implications arising from the recommendations detailed in this report.

7.0 RELEVANT RISKS

7.1 There are no foreseen risks arising from the recommendations detailed in this report.

8.0 ENGAGEMENT/CONSULTATION

8.1 The Governance Working Group has been consulted and recommended to proposed changes, in consultation with the Director of Law and Governance.

9.0 EQUALITY IMPLICATIONS

9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity.

9.2 There are no direct equality implications arising from this report.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 There are no direct environment and climate implications arising from this report

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 There are no direct community wealth implications arising from this report.

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APPENDICES

None

BACKGROUND PAPERS

Council Constitution

TERMS OF REFERENCE

This report is being considered by Full Council in accordance with the Policy Framework (k) 'Significant changes to the Council's Constitution, including adopting and amending standing orders, Rules of Procedure, Contract Procedure Rules, Financial Regulations, Codes and Protocols that make up the Constitution.'

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Constitution and Standards Committee Council	13 April 2023 24 May 2022