

Tuesday, 9 July 2024

Report of the Leader of the Council / Monitoring Officer**Constitution & Scheme of Delegation Review****Exempt Information**

None

Purpose

To obtain the Council's approval to the refreshed Constitution (including the Scheme of Delegation).

Recommendations

1. That the Council approve and adopt the Council's refreshed Constitution (including the Scheme of Delegation) at Appendix 1.

Executive Summary

The Council's constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose. The Scheme of Delegation, within the Constitution details where the Council delegates to certain officers, powers to undertake duties and functions on its behalf.

Article 16 of the Constitution requires the Monitoring Officer to maintain, monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. Any changes to the Constitution must be approved by full Council after consideration of the proposal by the Monitoring Officer and the Audit & Governance Committee (as necessary).

This refresh of the Constitution has included:

- Advice from the Council's legal advisors to ensure the document remains lawful and accords with best practice.
- Consultation with the Corporate Management Team to ensure the document's application remains practical and is up to date for staff and delegation changes.
- Consideration by an all-member group which met on 6 December 2023.

The Audit & Governance Committee considered the document at their [February 2024](#) meeting and approved that it be submitted to full Council for final approval.

A summary of the changes are highlighted in **Appendix 1** with a tabled summary available at **Appendix 2**.

Resource Implications

There are no resource implications arising from this report.

Legal/Risk Implications Background

Without a constitution, including a Scheme of Delegation, the Council could not operate effectively. The Council would risk failure to comply with statutory requirements which in turn would expose the organisation to further vulnerability from potential legal challenge. Such challenges could lead to serious financial and reputational damage.

It should be noted that the Constitution has not been subject to a complete constitution review, with only the proposed changes and amendments to specific parts subject to legal consideration. Continuing review of the constitution should be maintained to ensure compliance with the Council's duties

Equalities Implications

There are no equality issues arising from this report.

Copies of the Constitution documents in alternative formats and languages can be made available upon request.

Environment and Sustainability Implications (including climate change)

There are no sustainability issues arising from this report.

Background Information

None

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Appendices

Appendix 1 - Proposed Constitution and Scheme of Delegation

Appendix 2 - Summary of changes table