

# Gloucester City Council

<b>Meeting:</b>	<b>Council</b>	<b>Date:</b>	<b>21 May 2015</b>
<b>Subject:</b>	<b>Adoption of the Constitution for 2015-16</b>		
<b>Report Of:</b>	<b>Monitoring Officer</b>		
<b>Wards Affected:</b>	<b>All</b>		
<b>Key Decision:</b>	<b>No</b>	<b>Budget/Policy Framework:</b>	<b>No</b>
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<b>Appendices:</b>	<b>Extracts from Constitution 2014 – 15 showing proposed changes for the Constitution 2015 -16</b>		

## 1.0 Purpose of Report

1.1 To approve changes to and adopt the Council's Constitution for the municipal year 2015 - 2016.

### 2.1.1 Recommendations

2.1 Council is asked to **RESOLVE** that, subject to the changes shown in Appendix 1 and highlighted in this report, the Constitution be adopted for the municipal year 2015 - 2016.

## 3.0 Background and Key Issues

3.1 The Constitution sets out how the City Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people.

3.2 The Council's Constitution was extensively reviewed in 2009 and amendments to that Constitution have been approved annually since then.

3.3 It is good practice to review the Council's Constitution on an annual basis at least. It is also important to review how the Constitution has functioned and supported the work of the Council.

3.4 Appendix 1 highlights amendments that are either proposed or which have already been approved. A number of the amendments reflect in-year changes already agreed by Council. Where the amendment has already been agreed, details of the relevant decision-maker and date the decision was made is shown in the comment box to the side of the text.

3.5 Proposed deletions are shown as 'struck through' text (e.g. ~~struck through~~) and additions are shown in **bold underlined font**.

3.6 A summary of the main changes is as follows:

- a) Article 3, Council Procedure Rule 7 and the Access to Information Procedure Rules – updated to take account of the Openness of Local Government Regulations 2014.
- b) Article 4, Cabinet Portfolios and Meetings of the Council (Partnerships and Shared Services) – updated following Council decision on 20 November 2014 regarding the Airport to delegate the Council’s shareholder functions to the Leader and approval of the Terms of Reference for the Gloucestershire Airport - Shareholder Forum;
- c) Article 13, Meetings of the Council (Partnerships and Shared Services) and Scheme of Delegation – updated to reflect the delegation of legal functions to Tewkesbury Borough Council (One Legal) and the Joint Monitoring and Liaison Group Terms of Reference;
- d) Codes and Protocols – inclusion of the Independent Person and Members’ Working Groups Protocols. Council is also asked to note that revisions to the Council’s Anti-Fraud and Corruption Policies were approved by the Audit and Governance Committee on 16 March 2015 and these revised policies will also be incorporated into the Constitution for 2015-16;
- e) Scheme of Delegations – minor amendments to reflect changes in Officer responsibilities, ensure consistency and reflect legislative changes.

#### **4.0 Alternative Options Considered**

4.1 There are no alternative options relevant to this matter.

#### **5.0 Reasons for Recommendations**

5.1 The Council Procedure Rules require the Scheme of Delegation, forming part of the Constitution, to be approved at the Annual Meeting.

#### **6.0 Future Work and Conclusions**

6.1 The approved Constitution for 2015-16 will be published online and made available to all Councillors, members of the public and staff as soon as practicable following its adoption by the Council.

6.2 The current provisions relating to Head of Paid Service responsibilities may need to be amended following the arrival of the Council’s Managing Director later in the year.

6.3 Legislation requires the Council to keep its Constitution up-to-date and it is good practice to carry out an annual review of the Constitution. This will allow the Council to ensure that the Constitution continues to meet the needs of the Council.

#### **7.0 Financial Implications**

7.1 There are no financial implications arising from this report.

(Financial Services have not been consulted in the preparation this report.)

## **8.0 Legal Implications**

- 8.1 Section 37 of the Local Government Act 2000 requires the Council to have and keep up-to-date a Constitution, setting out various matters prescribed by the Secretary of State, the Council's Standing Orders, Code of Conduct and any other matters the Council considers appropriate.

(One Legal has been consulted in the preparation this report.)

## **9.0 Risk & Opportunity Management Implications**

- 9.1 Regular consideration of the Council's Constitution enables the Council to ensure that its governance arrangements are appropriate and up-to-date.

## **10.0 People Impact Assessment (PIA):**

- 10.1 The PIA Screening Stage was completed and did not identify any potential or actual negative impact, therefore a full PIA was not required.

## **11.0 Other Corporate Implications**

### Community Safety

- 11.1 There are no community safety implications.

### Sustainability

- 11.2 There are no sustainability implications.

### Staffing & Trade Union

- 11.3 There are no staffing implications.

**Background Documents:** None.