

**Classification:** Public

**Key Decision:** No

### Gravesham Borough Council

**Report to:** Full Council

**Date:** 16 April 2024

**Reporting officer:** Vicky Nutley, Head of Legal Services and Deputy Monitoring Officer

**Subject:** Review of the Constitution (Phase 3)

#### **Purpose and summary of report:**

To present Full Council with proposed amendments to *Annex 1: Responsibility for Functions* of the Constitution for formal approval and adoption.

#### **Recommendations:**

It is recommended that Full Council:

1. Approves the amendments to *Annex 1: Responsibility for Functions* of the Constitution as set out in section two of the report and appendix one.
2. Full Council delegate authority to the Monitoring Officer in conjunction with the Director for Corporate Services the ability to make amendments which are consequential to the changes approved to ensure consistency throughout the Constitution.

<b>Key Implications:</b>	
<b>Item</b>	<b>Implications</b>
<b>Legal</b>	A Local Authority is under a duty to prepare and keep up to date its constitution under Section 9P of the Local Government Act 2000 as amended.
<b>Finance and Value for Money</b>	There are no financial or value for money implications arising from this report.
<b>Corporate Plan</b>	The Constitution is the governing document for the council in its entirety and therefore is relevant to all aspects of the Corporate Plan.
<b>Climate Change</b>	There are no Climate Change implications arising from this report.

## 1. Introduction

- 1.1 As reported to Full Council at its meeting in October 2023, a review of the Constitution is currently underway in order to respond to the recommendation in the 2022-23 Annual Governance Statement as follows:

Control	Action
The Constitution	The Constitution is an integral component of the council's governance framework. To ensure it remains up to date regarding legal expectations and accurately reflective of the authority's evolving governance structure, a scheduled review will be undertaken in 2023-24.

- 1.2 In line with this action, a review of the Constitution has been planned for 2023-24 and split into three phases:
- 1.2.1 **Phase 1**  
Review of the *Summary and Explanations* and *The Articles* sections of The Constitution – Completed with revisions to the relevant sections of the Constitution approved at Full Council on 17 October 2023.
- 1.2.2 **Phase 2**  
Review of *Annex 2 – Procedural Rules* and *Annex 3 – Codes of Practice & Protocol* - Completed with revisions to the relevant sections of the Constitution approved at Full Council on 05 December 2023.
- 1.2.3 **Phase 3**  
Review of *Annex 1 – Responsibility of Functions* (inc. Management Structure).
- 1.3 The purpose of this report is to provide Members with the results of the third and final phase of the review process and request approval of the amendments suggested following the review.

## 2. Review of Annex 2 – Procedural Rules

- 2.1 Appendix one provides Members with the proposed amendments to *Annex 1 – Responsibility of Functions* of The Constitution.
- 2.2 In summary the amendments suggested are as follows:
- 2.2.1 Annex 1.1: Responsibilities Reserved to the Full Council  
Updates to reflect the change in the number of councillors and amendment to the title of the Local Government and Social Care Ombudsman.
- 2.2.2 Annex 1.2: Responsibilities of the Council that have been delegated to Committees and Boards of the Council  
Amendments to the responsibilities of various committees to ensure they are reflective of the current committee structure and references to outdated projects are removed.
- 2.2.3 Annex 1.3: Responsibilities of the Planning Committee Delegated to Sub-Committees, etc  
removal of reference to the Appeals Sub Committee and Hackney Carriage Sub Committee, both of which have been moved to be sub-committees for Full Council.

- 2.2.4 Annex 1.4: Responsibilities of the Cabinet  
Minor amendments to the text in various sections and to remove reference to previous Best Value regimes and replace with reference to the Performance Management Framework that the council has in place.
  - 2.2.5 Annex 1.6: Responsibilities for Cabinet functions Delegated to Individual Members of the Cabinet  
Additional information added to clearly set out the authority of Cabinet Members with grant funding bids.
  - 2.2.6 Annex 1.11: Directors and Assistant Directors Roles  
Re-formatting of this section to more clearly define the roles and responsibilities of Directors and Assistant Directors and to reflect the revised structure in place.
  - 2.2.7 Annex 1.12: Proper Officers  
Re-formatting of this section to more clearly set out the council officer roles that have Proper Officer roles delegated to them.
  - 2.2.8 Annex 1.13: Functions Delegated to Officers of the Council  
Re-formatting of this section to more clearly set out the delegations that are in place and to reflect the revised structure in place.
  - 2.2.9 Annex 1.14: Responsibility For 'Local Choice' Functions  
Re-formatting of the table to make it easier to understand.
  - 2.2.10 Annex 1.16: Appointments of Representatives on Outside Bodies, etc  
Re-formatting of the table to remove individual Member names but to include a link to the detailed information held on the council's website.
  - 2.2.11 Annex 1.20: Appointments of Members on Council Committees, Boards, etc.  
Re-formatting of the table to remove individual Member names but to include a link to the detailed information held on the council's website.
- 2.3 The appendix contains two versions; the first is with tracked changes to enable Members to see the changes that are being suggested and the second is a 'clean' version with the suggested changes incorporated

### **3. Next Steps**

- 3.1 Subject to approval of the amendments set out by Members, the Constitution will be updated and re-published on the Council website. The revised versions of the documents will also be shared with Senior Managers and all Members.

### **4. Appendices**

- 4.1 The following documents are to be published with the report:
  - Appendix One – *Annex 1 – Responsibility of Functions* (tracked changes and clean version).

## 5. Background Documents

5.1 The following background documents were used:

- Report to the Finance & Audit Committee – 18 July 2023 - *Annual Governance Statement 2022/23*
- Medway Council – *Constitution of the Council – Updated July 2023*
- Westminster City Council - *Constitution*

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<b>Secondary Implications</b>	
<b>Risk Assessment</b>	It is of critical importance that the council has sufficient government arrangements in place which is provided by a Constitution that is kept up to date.
<b>Data Protection Impact Assessment</b>	<i>A data protection impact assessment (DPIA) should be carried out at the start of any major project involving the use of personal data or if you are making a significant change to an existing process.</i>
	a. Does the project/change being recommended through this paper involve the processing of <a href="#">personal data</a> or <a href="#">special category data</a> or <a href="#">criminal offence data</a> ? A definition of each type of data can be found on the Information Commissioner's Office website via the above links. No
	b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice? N/A
	c. If no to question b, please seek advice from your nominated DPIA assessor or the Information Governance Team at <a href="mailto:gdpr@medway.gov.uk">gdpr@medway.gov.uk</a> . N/A
<b>Equality Impact Assessment</b>	a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer. No
	b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer. No
	<i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i>
<b>Crime and Disorder</b>	There are no crime and disorder implications arising from this report.
<b>Digital and website implications</b>	Subject to the approval of the amendments to the <i>Summary and Explanation</i> and <i>The Articles</i> of the Constitution by Members, the updated documents will be uploaded to the Council website.
<b>Safeguarding children and vulnerable adults</b>	There are no safeguarding children and vulnerable adults implications arising from this report.