

## REPORT TO CABINET

<b>Open/Exempt</b>		Would any decisions proposed:			
<b>Any especially affected Wards</b>	Mandatory/ <del>Discretionary/</del> <del>Operational</del>	Be entirely within Cabinet's powers to decide		<del>YES/NO</del>	
		Need to be recommendations to Council		<del>YES/NO</del>	
		Is it a Key Decision		<del>YES/NO</del>	
Lead Member: Cllr Alistair Beales, Leader E-mail: <a href="mailto:cldr.alistair.beales@west-norfolk.gov.uk">cldr.alistair.beales@west-norfolk.gov.uk</a>		Other Cabinet Members consulted:			
		Other Members consulted: Cllr Jim Moriarty (Cabinet appointee to the Constitution Informal Working Group)			
Lead Officer: Alexa Baker, Monitoring Officer E-mail: <a href="mailto:alexa.baker@west-norfolk.gov.uk">alexa.baker@west-norfolk.gov.uk</a> Direct Dial: 01553 616270		Other Officers consulted:  Michelle Drewery, Chief Finance Officer			
Financial Implications <del>YES/NO</del>	Policy/ Personnel Implications <del>YES/NO</del>	Statutory Implications <del>YES/NO</del>	Equal Impact Assessment <del>YES/NO</del> If YES: Pre-screening/ Full Assessment	Risk Management Implications <del>YES/NO</del>	Environmental Considerations <del>YES/NO</del>
If not for publication, the paragraph(s) of Schedule 12A of the 1972 Local Government Act considered to justify that is (are) paragraph(s)					

Date of meeting: 5 November 2024

**Subject: Constitution Review**

### Summary

This report proposes changes to the Constitution, primarily based on the recent work undertaken by the Constitution Informal Working Group ("CIWG").

A report is due to be considered by the Corporate Performance Panel ("CPP"), as the body which constituted the CIWG, on 30 October 2024 (i.e. after the publication of this paper). That report invites recommendations from CPP to Cabinet with regards to any changes, alterations, deletions or additions to the following:

1. Council Procedure Rules
2. Schedule of Substantive Changes to the Constitution
3. Schedule of minor amendments to Standing Orders

A list of 'key issues' is also presented to CPP for consideration, a copy of which is produced as Appendix 1 to this report.

After CPP on 30 October 2024, its recommendations will be considered by the executive and the documents listed above will be published for consideration by Cabinet alongside this paper, duly amended after taking into consideration the recommendations of CPP.

## **Recommendation**

### Cabinet recommends to Full Council:

1. The adoption of the draft Council Procedure Rules into Part 4 of the Constitution, to be effective from 1 January 2025.
2. The approval of the Schedule of Substantive Changes to the Constitution and Minor Amendments to Standing Orders, to be effective from 1 January 2025.

## **Reason for Decision**

To fulfil the Council's duty to review and keep up to date its Constitution.

## **1 Background**

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## **2 Options Considered**

- 2.1 It is a constitutional and statutory requirement for the Constitution to be reviewed. It is ultimately the decision of Full Council how the Constitution is changed following the review, so long as all changes are in accordance with the law.
- 2.2 Members are directed to the minutes of the CIWG meetings for reference to the options considered by them, published with the agenda for CPP on 30 October 2024 at the following link:

- 2.3 The recommendations issued to Cabinet by the Corporate Performance Panel will also be options for Cabinet to consider.

### **3 Policy Implications**

- 3.1 The review of the Constitution supports the effectiveness of the Council's governance framework which will be reflected in the Annual Governance Statement. It also supports the Corporate Strategy priority of *Efficient and effective delivery of our services*.

### **4 Financial Implications**

- 4.1 Linked to the personnel implications set out below, it is a possibility that overtime costs will need to be considered.

### **5 Personnel Implications**

- 5.1 The Chief Finance Officer has confirmed that it is difficult to estimate what the personnel impact will be in terms of the proposal for the consideration of budget amendments or alternative budgets by the Chief Finance Officer within the draft Council Procedure Rules without knowing what the proposals will be. The Chief Finance Officer therefore wishes to flag that there will be a personnel impact to consider as a result of introducing a process of validation of budget amendments or alternative budgets before the Budget Meeting, that will need to be absorbed alongside all the other work ongoing at that time by the Finance team. The governance, timing and extent of the proposed changes are therefore all key considerations with regards to the personnel implications.

### **6 Environmental Considerations**

- 6.1 None

### **7 Statutory Considerations**

- 7.1 Under section 9P of the Local Government Act 2000, local authorities must prepare a constitution and keep it up to date.

### **8 Equality Impact Assessment (EIA)** (Pre-screening report template attached)

No direct impact.

### **9 Risk Management Implications**

- 9.1 Undertaking the Constitution review and making recommendations to Full Council for changes to the Constitution will serve as mitigation actions against the following risks in the Risk Register:

Corporate Governance -

The risk of failures in systems of governance within the council, within council owned/influenced organisations and partnerships and other collaboration arrangements, leading to governance issues, fraud and corruption, failures in management systems, poor policy and decision making.

Reputation Management –

The risk that the council's reputation is damaged by major service failure, failure to respond to a significant incident(s), governance issues, dispute with a key partner, failure to deliver corporate business plan.

**10 Declarations of Interest / Dispensations Granted**

None

**11 Background Papers**

None