

# Audit and Governance Committee



Date of meeting:	25 July 2023
Title of Report:	Review of the Council's Constitution
Lead Strategic Director:	Giles Perritt, Assistant Chief Executive
Author:	Ross Jago, Head of Governance, Performance and Risk
Contact Email:	Ross.jago@plymouth.gov.uk
Your Reference:	ContRe23
Key Decision:	No
Confidentiality:	PART I

## Purpose of Report

This report outlines the proposed approach for the review of the constitution.

Under provisions contained within the Local Government Act 2000 (as amended) the Council is required to prepare and maintain a Constitution.

The Constitution must contain:

- The standing orders and rules of procedure of the Council;
- The Members' Code of Conduct;
- Such other information as the Secretary of State may direct;
- Other information (if any) as the Council considers appropriate.

Since changes to Local Authority Governance in 2000 more than 100 different matters are required to be included within the Constitution including members allowance schemes and joint working arrangements with other local authorities.

Over the last twelve months gaps in procedure and conflicting provisions within the Constitution have been identified. The review of the Constitution will seek to resolve these issues whilst ensuring it is fit for purpose.

## Recommendations and Reasons

That the Audit and Governance Committee refers the Constitutional Review to the Constitution and Civic Sub-Committee (established as a sub-committee January 2022) with a view to provide an initial report on prioritised changes to the September Council.

## Alternative options considered and rejected

Not reviewing the constitution would mean that the Council's statutory duty to maintain and keep under review a Constitution which must comply with the provisions of the Local Government Act 2000 would not be met.

## Relevance to the Corporate Plan and/or the Plymouth Plan

Effective decision and good governance impacts upon all aspects of the Corporate Plan. A review of the current constitution will ensure clarity of processes and procedures for all stakeholders.

**Implications for the Medium Term Financial Plan and Resource Implications:**

No direct impact arising from the recommendations.

**Carbon Footprint (Environmental) Implications:**

No direct carbon/environmental impacts arising from the recommendations.

**Other Implications: e.g. Health and Safety, Risk Management, Child Poverty:**

*\* When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.*

No other implications.

**Appendices**

*\*Add rows as required to box below*

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
		1	2	3	4	5	6	7
	Briefing Report							
	Constitution and Civic Sub-Committee Terms of Reference.							

**Background papers:**

*\*Add rows as required to box below*

*Please list all unpublished, background papers relevant to the decision in the table below. Background papers are **unpublished** works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.*

Title of any background paper(s)	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
	1	2	3	4	5	6	7

**Sign off:**

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Originating Senior Leadership Team member: Giles Perritt, Assistant Chief Executive.											
Please confirm the Strategic Director(s) has agreed the report? Date agreed: 14/07/2023											

