

CITY OF
WOLVERHAMPTON
COUNCIL

Governance and Ethics Committee

5 October 2023

Report title	Changes to the Constitution	
Cabinet member with lead responsibility	Councillor Paula Brookfield Cabinet Member for Governance and Equalities	
Accountable director	David Pattison, Chief Operating Officer	
Originating service	Various	
Accountable employee	Michelle Rowe Email	Solicitor and Deputy Monitoring Officer Michelle.Rowe@wolverhampton.gov.uk
Report to be considered by	Council	8 November 2023.

Recommendations for action or decision:

The Governance and Ethics Committee recommends that Council:

1. Approves the amendments to the Constitution as detailed in this report.
2. Authorises the Monitoring Officer to implement the changes.

1.0 Purpose

- 1.1 This report outlines the changes made to the Constitution for approval by the Council. It is recommended that Council agrees to these amendments to ensure continuing lawfulness and effectiveness.

2.0 Background

- 2.1 The changes are brought forward in accordance with Part 2, Article 14 of the Constitution which places a duty on the Monitoring Officer *“to be aware of the strengths and weaknesses of the Constitution... and to make recommendations for ways in which it could be amended in order to better achieve the purpose [set out in Article 1]”* and to *“review the operation of the Constitution to ensure that its aims and principles are given full effect.”*
- 2.2 It is important that changes take place as and when needed, and the Governance and Ethics Committee regularly receives reports seeking to update the Constitution where it is necessary. The last such report was in Autumn 2022.
- 2.3 The changes proposed in this report are necessary to ensure the Constitution remains up to date and reflects current laws, rules and preferred or best practice.
- 2.4 This is part of a series of reports, and it is anticipated that there will be additional reports brought forward in 2023 or early 2024 to review other parts of the Constitution which reflect forthcoming changes in legislation, such as in relation to Contract Procedure Rules. It is anticipated that there will be an additional discussion on the Constitution at the meeting on 26 October 2023, to consider the comments of the Committee at the meeting on 5 October 2023 and revisions to the scheme of delegations.
- 2.5 Only those parts of the Constitution detailed in the Appendices are amended, and the other parts will remain unchanged.

3.0 Changes to the Constitution

- 3.1 The changes are shown in the Appendices together with the rationale for change in the following areas:
- a. Scrutiny Board and Call-in (including new form)
 - b. Electronic sealing and signing
 - c. Health and Wellbeing Together Board Terms of Reference
 - d. Full Council meeting procedure rules (including draft informal protocol for member behaviour)
 - e. IEDNs (including draft guidance for members and officers) and Call-in.
 - f. Miscellaneous – Disclosure and Barring Scheme (including new policy), Councillor Allowance Service, Planning Committee decisions.

g. Officer delegations.

4.0 Financial implications

4.1 There are no direct financial implications arising from this report.

[CN/27092023/A]

5.0 Legal implications

5.1 The Council is required by Section 37 of the Local Government Act 2000 to prepare and publish a Constitution which contains its standing orders relating to decision-making, finance and contracts. The Council is also required to keep its Constitution updated. As noted above, Part 2, Article 14 of the Constitution authorises the Monitoring Officer to make amendments which more accurately reflect legislative and other changes. The proposed changes ensures that the Council meets its duties.

[DP/27092023/A]

6.0 Equalities implications

6.1 The Council must, in the exercise of its functions, have due regard to the need to:

- a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act;
- b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

6.2 The Constitution seeks to ensure that, in its decision-making and its operations, the Council fully complies with the public-sector equality duty.

7.0 All other Implications

7.1 There are no other implications arising from the recommendations in this report.

8.0 Appendices

8.1 The Appendices attached show the proposed amendments and/or the final proposed version of relevant parts of the revised Constitution.

Appendix 1: Scrutiny Board and Call-in (including new form)

Appendix 2: Electronic sealing and signing

Appendix 3: Health and Wellbeing Together Board Terms of Reference

Appendix 3a: Proposed amended version of Health and Wellbeing Together Board Terms of Reference

- Appendix 4:** Full Council meeting Procedure Rules
Appendix 4a: DRAFT informal protocol – member behaviour at meetings
- Appendix 5:** Individual Executive Decision Notices (IEDNs) and call-in
Appendix 5a: DRAFT guidance for members and officers - IEDNs
- Appendix 6:** Miscellaneous (Disclosure and Barring Service (DBS) for members, Councillors' Allowance Scheme, Planning Committee decisions.)
Appendix 6a: Councillor DBS policy
- Appendix 7:** Officer delegations
Appendix 7a: Part 3 delegations – proposed amended version