



Report of:	Meeting	Date
Councillor Michael Vincent, Leader of the Council and Rebecca Huddleston, Chief Executive	Council	20 April 2023

Constitution Amendments

1. Purpose of report

1.1 To enable changes to be made to the Council's Constitution.

2. Outcomes

2.1 More up to date and effective governance arrangements.

3. Recommendations

3.1 That the changes to Article 7, Part 2.07 of the Council's Constitution, relating to the Audit Committee's terms of reference, set out as track-changes in Appendix 1, be approved.

3.2 That Part 5.02, relating to the process and procedures for dealing with allegations of breaches of the Councillors Code of Conduct, be amended, as set out in Appendix 2.

3.3 That Part 5.05, relating to gifts and hospitality guidance for councillors, be amended to include the following words to point 6 of the protocol, as set out in Appendix 3:

"This includes gifts that are received from the same source which cumulatively, are over the value of £50 in a 12 month period".

3.4 That Part 5.06, relating to the local code of good practice for councillors and officers involved in the planning process, set out as track-changes in Appendix 4, be approved.

3.5 That Part 7.01 (Management Structure) and 7.02 (Scheme of Delegation) of the Council's Constitution be amended to reflect changes in the council's Management Structure and to reflect the current Executive and Non-Executive officer delegations.

4. Background

4.1 The Local Government Act 2000 requires all local councils to have a written Constitution. Most still very closely follow a national model drawn up when the 2000 Act was implemented. The Council's Constitution outline's Wyre's organisational structure and decision-making process. It also contains the procedures that make sure Wyre Council is efficient, transparent and accountable to local people. Reports are submitted by the Chief Executive on a regular basis to enable the Council to approve changes to the Constitution to take account of new legislation, changes to functions, structures, roles, responsibilities or procedures.

5. Key issues and proposals

5.1 Audit Committee Terms of Reference

In October 2022, the Chartered Institute of Public Finance and Accountancy (CIPFA) refreshed their guidance for Audit Committees (Audit Committees Practical Guidance for Local Authorities and Police – The Audit Committee Member in a Local Authority). In addition, a further supplement (Guiding the Audit Committee) was also published to support officers with responsibility for guiding the Audit Committee.

Therefore, the Audit Committee's terms of reference has been amended to reflect the new refreshed guidance from CIPFA issued in October 2022.

The proposed revised version of Article 7 is attached at Appendix 1.

5.2 Process and Procedures for dealing with allegations of breaches of the Councillors Code of Conduct

Following the adoption of the current Code of Conduct at Full Council on 27 January 2022 which is based on the Local Government Association's (LGA) Model Code the procedure for dealing with complaints has been reviewed and updated to ensure that it is up to date and in line with the new Code.

The LGA Guidance on Member Model Code of Conduct Complaint Handling has also been taken into consideration with the review and update.

Many of the amendments are minor to bring the procedure up to date with the new Code of Conduct and to make the process easier to follow.

Specific changes include the following:

- Update of the general principles and obligations to be followed when acting as a councillor in section 2 to bring in line with the wording within the Code of Conduct;
- Clarification regarding the Monitoring Officer and Independent Persons roles within section 4;
- Stages in the procedure (1 - 4) aim to provide greater clarity and make the process easier to follow. The LGA guidance encourages informal resolution where possible and appropriate stage 2 provides information as to how this is incorporated into the process, and;
- A section has been included to set out that a summary of complaints received is reported to Standards Committee at least annually.

The proposed revised version of Part 5.02 is attached at Appendix 2.

5.3 Gifts and Hospitality – Guidance for Councillors

This guidance forms part of the Council Constitution and has been reviewed to ensure it is up to date with current practice.

The review has resulted in an amendment in section 6 to include gifts received from the same source, which cumulatively are over the value of £50 in a 12 month period. This brings the guidance in line with that for officers.

The proposed revised version of Part 5.05 attached at Appendix 3.

5.4 Local Code of Good Practice for Councillors and Officers involved in the Planning Process

Part 5.06 has been amended to include clarification around the process of calling-in a planning application. The following additional wording is proposed:

“A ward councillor representing the ward within which a planning application site lies or a ward councillor representing an adjoining ward can request that a planning application be considered by the Planning Committee rather than by the Head of Planning & Regeneration in accordance with Part 7.02 of the Constitution - Scheme of Delegation. In doing so the councillor must not have a disclosable pecuniary interest relating directly to the planning application”.

In addition, this has been updated to include clarification regarding conflicts of interest, particularly with proposals submitted by serving and former councillors, officers and their close associates. The following additional wording is proposed:

“Proposals submitted by serving and former councillors, officers and their close associates and relatives are more likely to be presented to the Planning Committee for a decision than would otherwise be the case.”

A number of other minor changes have been made throughout the document mainly in relation to changes in job titles owing to restructures within the Planning Department.

The proposed revised version of Part 5.06 is attached at Appendix 4.

5.5 Management Structure and Scheme of Delegation

The management structure at Part 7.01 has been amended to reflect the current structure in particular that the Head of Assets has now moved back under the Corporate Director of Communities. A number of other minor changes have also been made to reflect the correct service/team names. These have been ‘track changed’ on the document.

The following changes to Part 7.02 Scheme of Delegation have been made:

- Non-Executive Functions Delegated to the Corporate Director Resources (S151 Officer) - amended to include the delegation to approve the naming and numbering of properties. This delegation has been removed from the Head of the Contact Centre;
- Executive and Non-Executive Functions Delegated to the Head of the Contact Centre and ICT Services (interim arrangement) - amended to reflect that the interim arrangement has now ceased with ICT services reporting directly to the Corporate Director Resources;
- Executive Functions Delegated to the Head of Planning Services - amended to reflect their correct title ‘Head of Planning and Regeneration’ and the current working practices within the team;
- Executive and Non-Executive Functions Delegated to the Head of Built Environment - amended to reflect the correct title ‘Head of Assets’; and
- A new Non-Executive Function Delegated to the Partnership Officer (CCTV) has been included to make reference to the requirement for officers to obtain approval from the Partnership Officer (or their deputy) prior to the purchasing, installing or modification of any CCTV system.

The proposed revised version of Part 7.01 is attached at Appendix 5. The proposed revised version of Part 7.02 is attached at Appendix 6.

Financial and legal implications	
Finance	None arising directly from this report.
Legal	The Council is required to have an up to date Constitution, including Rules of Procedure and Scheme of Delegation to ensure that all decisions are taken lawfully.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

risks/implications	✓ / x
community safety	x
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	x
ICT	x
data protection	x

Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

report author	telephone no.	email	date
Joanne Billington	01253 887372	Joanne.Billington@wyre.gov.uk	28.03.2023

List of background papers:		
name of document	date	where available for inspection

List of appendices

Appendix 1 – Article 7 Audit Committee Terms of Reference

Appendix 2 – Part 5.02 Processes and Procedures for dealing with allegations of breaches of the Councillors Code of Conduct

Appendix 3 – Part 5.05 Guidance for Councillors and Officers on Gifts and Hospitality

Appendix 4 – Part 5.06 Local Code of Good Practice for Councillors and Officers Involved in the Planning Process

Appendix 5 – Part 7.01 Management Structure

Appendix 6 – Part 7.02 Scheme of Delegation