

AGENDA ITEM

REPORT TO COUNCIL

24 NOVEMBER 2021

**REPORT OF CORPORATE
MANAGEMENT TEAM**

CONSTITUTION ANNUAL REVIEW

SUMMARY

All Local Authorities in England have a statutory duty under the Local Government Act 2000 to maintain an up-to-date Constitution and to make their Constitution publicly available.

In addition, para 1.37 of the Stockton on Tees Borough Council Constitution includes the following provisions:

Para 1.37 “The Monitoring Officer on behalf of and in consultation with the Managing Director, will monitor and review the operation of the Constitution on a regular basis, in order to ensure that it is up to date and may make amendments to ensure that legislative references are updated, it reflects the Councils structures and decision-making requirements and any other required changes are made.”

Para. 2.4 “The Council will adopt the Council’s Constitution and approve amendments to it (except where specifically delegated to the Monitoring Officer)”

The purpose of this report is to seek Council approval for the changes required to update the version of the Constitution which was considered and approved by Council in November 2020.

RECOMMENDATIONS

It is recommended that:

1. Council approve the proposed amendments identified in the report and supporting papers.

DETAIL

1. The Council adopted a new constitution for the Authority in December 2018 with an implementation date from the Annual Meeting held on 22 May 2019. Council considered and agreed further amendments at the meeting held on 18 November 2020.
2. In line with the requirements of the Constitution an annual review has been undertaken to ensure that it remains up to date. The proposed amendments to the Constitution have been collated and a full “track changes” version of the November 2020 Constitution is available as a background paper to this report. The complete document with track changes details all proposed amendments including minor changes which are required to provide clarification such as typographical and grammatical changes.
3. No substantive changes are proposed in this review but the following paragraphs provide further information on changes that are proposed following the UK’s withdrawal from the European Union and LGA amendments to the Mode Code of Conduct.

Contract Procedure Rules

4. The Contract Procedure Rules can be found at page 101 of the Constitution. Following the withdrawal from the European Union it is necessary to update the Contract Procedure Rules to remove references to the previous EU procurement regime and reflect the fact that UK procurement rules now apply as detailed under The Public Procurement (Amendment etc.)(EU Exit) Regulations 2020 (Statutory Instrument 2020 No. 1319).

Code of Conduct

5. At the meeting held on 20 November 2020 Council agreed to adopt the LGA Model Code of Conduct. Since its introduction the LGA has made some changes to the Model Code which have been included as track changes in the Council Code.
6. A copy of the updated LGA Model Code is available here <https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020>

COMMUNITY IMPACT IMPLICATIONS

7. No assessment is considered necessary. There are no policy, strategy or service changes involved.

CORPORATE PARENTING IMPLICATIONS

8. There are no corporate parenting implications arising from this report.

FINANCIAL IMPLICATIONS

9. There are no specific financial implications arising from this decision.

LEGAL IMPLICATIONS

10. Section 37 of the Local Government Act 2000 requires the Council to keep its Constitution under review.

RISK ASSESSMENT

11. This report is categorised as low to medium risk.

WARDS AFFECTED AND CONSULTATION WITH WARD/COUNCILLORS

12. Decisions relating to this item are not ward specific and have no impact on individual wards. No consultation with ward Councillors has taken place.

BACKGROUND PAPERS

13. A copy of the Constitution with the proposed full track change amendments is available on the Members area of the intranet <https://intranet.stockton.gov.uk/members/constitution-and-procedure-rules/> or from the contact officer below.

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