

**AGENDA ITEM**

**REPORT TO AUDIT &  
GOVERNANCE COMMITTEE**

**31<sup>st</sup> May 2023**

**REPORT OF CORPORATE  
MANAGEMENT TEAM**

**COUNCIL'S CONSTITUTION**

**SUMMARY**

This report presents the updated Constitution which was agreed by Council 22<sup>nd</sup> March 2023.

**RECOMMENDATION**

It is recommended that:

1. The amendments specified in the table in this report and shown in tracked changes in the amended Constitution be noted by the Audit and Governance Committee.

**DETAIL**

1. 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.
2. The Monitoring Officer, on behalf of and in consultation with the Chief Executive, has a responsibility under paragraph 1.37 of the Constitution to monitor and review the Constitution on a regular basis and has delegated authority to make changes to the Constitution, to, amongst other minor changes, reflect the Council's structures and decision making requirements.
3. The Monitoring Officer proposed the following changes to Council which were agreed 22<sup>nd</sup> March 2023, to reflect the working practices of the Council or for clarification. The reasons for each proposed change is specified in the table.

Page No	Paragraph No	Reason for Amendment
15	2.4(d)	Added wording to clarify that only the additional finances will be determined by Council where main decision is an executive decision
18	2.16 (c)	For clarification
19	2.17	For clarification
24	Heading	For clarification
29	2.49 (e) and (f)	To reflect the current arrangements

31	2.53	To delegate decisions about traffic regulation orders to officers if 5 or less objections have been received during the statutory consultation period
44	2.130	To reflect the current position
47	2.153A	To insert a new paragraph to give the Chief Executive the power to make urgent decisions and to mirror the existing power of the CEX to make urgent Cabinet decisions
61	3.42	To clarify that specified functions cannot be determined by Council
72	3.114	To be consistent with committee rules
72	3.116	To be consistent with committee rules
72/73	3.119	For clarification
73	3.121	For consistency with legislation
74	3.125(b)	For consistency with legislation
78	3.138	For consistency with legislation
78	3.140(b)	Not required under Regulations
78	3.141	Not required under Regulations
91	3.183(a)	Not required under Regulations – delete if removed from urgency procedures
95	3.190	New strategies that need approval of council – and delete capital strategy and investment strategy from 3.191
97	3.205	To distinguish between executive and non-executive functions – and clarify that Council cannot make executive decisions by way of amendment or motion to Council
97	3.206	For clarification between executive and non-executive functions
97	3.208	Unnecessarily restricts urgency decisions
100	3.216	Virements would be within the context of the overall approved MTFP
107	Table below 3.260	To reflect increased statutory thresholds
115	Standstill Period Table	To reflect increased statutory thresholds
132	4.42	To correct a typing error and reflect the LGA model code of conduct
133	4.43	To be consistent with the LGA model code of conduct

4. A tracked-changes version of the Constitution highlighting the amendments referred to in this report is available on the Members area of the Intranet  
<https://intranet.stockton.gov.uk/members/constitution-and-procedure-rules/>  
<https://intranet.stockton.gov.uk/media/343229/constitution-may-2022-tracked-changes.docx>

## **COMMUNITY IMPACT IMPLICATIONS**

1. There will be no community impact implications arising from this report

## **FINANCIAL IMPLICATIONS**

1. There are no financial implications arising from this report. The cost of the review of the Constitution is covered by the ongoing revenue budget for the Corporate Services Directorate.

## **LEGAL IMPLICATIONS**

1. Section 37 of the Local Government Act 2000 requires the Council to keep its Constitution under review. The Constitution delegates authority to the Monitoring Officer to review the constitution and make minor changes but other changes require the approval of Council.

## **RISK ASSESSMENT**

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

## **CORPORATE PARENTING IMPLICATIONS**

1. There are no corporate parenting implications as a direct result of this report.

Name of Contact Officer: Ged Morton  
Post Title: Director of Corporate Services  
Telephone No. 01642 527003  
Email Address: [ged.morton@stockton.gov.uk](mailto:ged.morton@stockton.gov.uk)