

DEMOCRATIC PROCESSES WORKING GROUP

20 NOVEMBER 2023

Commenced: 4.00pm

Terminated: 4.25pm

Present: Councillors Cooney (In the Chair), Kitchen, McNally, North, Ward and Warrington.

Apologies for Councillor Costello and Fairfoull.
Absence

9. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Working Group held on 25 September 2023 be approved as a correct record.

10. REVIEW OF THE COUNCIL CONSTITUTION

Members considered a report of the Chief Executive, which advised that a review of the Constitution had been undertaken to ensure that it was up to date and remained fit for purpose.

Members were reminded that the Local Government Act 2000, as amended, required a local authority which was operating executive arrangements to prepare and keep up-to-date a constitution. The Council Constitution provided a framework within which people could understand their own responsibilities, and the responsibilities of others. It allowed decision-making, within a democratically elected body, to be consistent, accountable and transparent. The Constitution set out the principles that were especially important to the way that the Council worked and the fundamentals of how the local authority operated.

The Monitoring Officer was required to monitor and review the operation of the Constitution on an on-going basis, and, where necessary, bring forward amendments to the Council. It was explained that some elements of the Constitution had been reviewed by Council in recent years, such as the Members Code of Conduct, Financial Regulations and Contract Standing Orders. Also, the scheme of delegation and terms of reference had been updated to reflect organisational changes agreed by Members.

The report set out the contents and purpose of each part of the Constitution and advised where changes were proposed for consideration by full Council.

It was explained that most councils have stuck fairly closely to the constitutional structures set out in the Government's "Modular Constitution", produced in 2000. It was emphasised that this model, modular constitution is a piece of statutory guidance – councils therefore needed to have regard to it in reviewing, and redrafting, their own constitutions. Following the structure of the Modular Constitution makes it easier to ensure that the contents of the constitution are being managed properly and legally. The structure is also tried and tested, having been in operation in most councils for over two decades.

The following parts of the Constitution have been reviewed and agreed by Council in recent years and therefore do not need to be reviewed other than a check that still reflect current organisational and legal requirements:

- Financial Regulations – amended by Council on 5 October 2021
- Contract Standing Orders – amended by Council on 4 October 2022
- Members Code of Conduct – amended by Council on 17 November 2020

With regard to each Part of the Constitution the Working Group made the following recommendations:

- Part 1 – Summary and Explanation
no changes proposed;
- Part 2 – Articles of the Constitution
Proposed changes to the Policy Framework as set out in Article 4 – The Full Council
- Part 3 – Terms of Reference and Scheme of Delegation
Noted changes to be made reflect organisational and legislative changes and agreed other suggested changes to officer delegations.
- Part 4 – Procedural Standing Orders
The policy framework be amended as set out in Article 4 in **appendix 1**.
- Part 5 – Standards Of Conduct And Ethics
No changes but agreed should shared on a digital basis and that a printed version be made available in the Members Lounge at Tameside One and also at any relevant training sessions.
- Part 6 – Members Allowance Scheme
No changes will be subject to consideration by Independent Review Panel at a future date.
- Part 7 – Management Structure
No changes proposed at this time.

RESOLVED:

That Council be recommended to agree:

- (i) **That the changes to Part 3a: Scheme of Delegations and Terms of Reference as set out in Appendices 2 and 3 be noted and those that require Council approval be recommended for approval.**
- (ii) **That Council note the intention to review sub-delegations by Directors.**
- (iii) **That the proposed changes to Part 4f: Budget and Policy Framework set out in Article 4 be recommended to Council for approval.**
- (iv) **That the Part 5 Standards of Conduct and Ethics – Standards Committee endorsement of current contents and view that need to be better understood by Members and Officers be noted.**

CHAIR