



Subject: Change to Executive Model of Governance & Adoption of New Constitution

Report to: Council - Thursday 18 May 2023

Report by: Monitoring Officer

SUBJECT MATTER

Change to an Executive model of governance and formal adoption of the new Constitution

RECOMMENDATIONS:

That Council

- 1) adopt the form of the Constitution as appended, incorporating the amendments described in this report, with immediate effect; and

- 2) acknowledge the cessation of the committee system of governance and implementation of the Executive (Leader-Cabinet) model, bringing into immediate effect Council's resolution under section 9KC of the Local Government Act 2000, made at Annual Meeting of May 2022.

1. Background and Context

- 1.1. At Annual Meeting of 12th May 2022 Council resolved under section 9KC of the Local Government Act 2000 ("the Act") that the Executive model of governance, specifically the Leader-Cabinet model, would be adopted and take effect as from Annual Meeting of May 2023. An authority's Annual Meeting constitutes "relevant change time" under section 9L of the Act, being the only time that such change is permitted to take place.
- 1.2. Accordingly, a new form of Constitution is required to be adopted simultaneously to support the new governance system. At a meeting of full Council on 13th April 2023, as preparation for system change, members approved a new form of Constitution for the executive model of governance in readiness for relevant change time taking place at Annual Meeting.
- 1.3. Since members approved the form of Constitution on 13th April, a number of minor technical amendments are recommended, which appear listed in the section below.

2. Proposed Amendments to the Constitution

- 2.1 That 47.1.3 be amended by the addition of the words in square brackets below:
 - 47.1.3 The final decision on the appointment or dismissal of the Head of Paid Service/Chief Executive or on the appointment of any **[other Statutory]** Chief Officer shall be by resolution of the full Council on the recommendation of

the Employment Committee or the Employment (Statutory Chief Officers) Investigation and Disciplinary Sub-Committee, in respect of dismissal.

Impact: that only appointments or dismissals of statutory chief officers (Head of Paid Service, s151 Officer, Monitoring Officer) are required to go to full Council for approval, on the recommendation of Employment Committee; whereas non-statutory chief officer posts (Executive Directors) may be dealt with by decision of Employment Committee alone.

- 2.2 In the terms of reference for each of the Council’s committees (Articles 12, 13, 14 and 15) save for Scrutiny Committee (for which the rules are already set out at Article 16.1) the method of election of Chair and Vice Chair shall be set out as follows:

“Chair and Vice-chair of the Committee and any Sub-committee shall be appointed at the Annual Meeting of full Council.

If the persons appointed under this paragraph are absent, a meeting of the Committee or Sub-committee shall appoint, from among the voting members present, a person to preside at that meeting.”

- 2.3 At article 16.2 a) (terms of reference for Scrutiny Committee) the words in square brackets shall be added:

“assist the Council and the Cabinet by preparing recommendations to Cabinet on the draft Budget and all Policy Framework documents” [save for Local Plans, Neighbourhood Plans and other Development Plan documents]”

- 2.4 Article 16.3 b) shall be amended by the additions in square brackets:

[pre-]scrutinise any decisions the Cabinet are proposing to make in relation to the Budget and Policy Framework [save for Local Plans, Neighbourhood Plans and other Development Plan documents]; or

- 2.5 At article 16.10 the text shown as struck through below (removed in error) shall be reinstated:

~~In addition to reporting on decisions in relation to the Budget and the Policy framework documents which (save for Local Plans, Neighbourhood Plans and other Development Plan documents) are subject to pre-decision scrutiny, the Committee may form recommendations on proposals for development of Council policy or decisions which are called in. Once it has formed such recommendations, the Scrutiny Committee will prepare a formal report and submit it to the Head of Legal & Governance for consideration by the Cabinet.~~

- 2.6 Article 25.2.1 shall be amended by the insertion of a new section (f) as follows:

“(f) appoint to those Committees Chairs and Vice-Chairs in accordance with any additional rules contained within the terms of reference set out for individual Committees”

- 2.7 Article 32.1.8 shall be amended by the insertion of the words in square brackets:

“The virement [and expenditure] limits [(within the approved budget only)] are as outlined below”.

Areas of consideration: e.g. does this report raise any of the following issues and if so how have these been considered/mitigated against?

Area for consideration	Comment
Monitoring Officer Consultation:	Monitoring Officer's report
Section 151 Officer Consultation:	Yes
Existing Council Policies:	Constitution
Financial Implications (inc VAT and tax):	None
Legal Implications (including human rights):	Included in report
Risk Implications:	Officers will need to transition effectively to new procedures, failure to do so may cause procedural breach.