

Proposed Changes to the Council Constitution

Full Council 3 April 2024

Summary

Lead Member: Councillor Ben Chapelard, Leader of the Council

Lead Director: Lee Colyer, Director of Finance, Policy and Development

Head of Service: Claudette Valmond, Head of Legal Partnership and Monitoring Officer

Report Author: Claudette Valmond, Head of Legal Partnership and Monitoring Officer

Classification: Public document (non-exempt)

Wards Affected: All

| Approval Timetable | Date |
|-----------------------------------|------------------|
| Constitution Review Working Party | 28 February 2024 |
| Audit and Governance Committee | 12 March 2024 |
| Full Council | 3 April 2024 |

Recommendations

Officer recommendations as supported by the Portfolio Holder, the Constitution Review Working Party and the Audit and Governance Committee that:

1. Full Council approves the amendments to the Constitution as set out in Appendices A and B of this report.
2. Full Council authorises the Monitoring Officer to make all necessary and consequential changes to the Constitution to give effect to these recommendations.

1. Introduction and Background

- 1.1 This report proposes changes to the Constitution to ensure that the Constitution remains up to date and effective.

2. Proposed changes to the Constitution

It is proposed that the following changes are made to the Constitution:

PART 3 – RESPONSIBILITY FOR FUNCTIONS, Section 7 – Audit and Governance Committee (Page 20)

It is proposed that the Audit and Governance Committee membership be amended to provide that no members of the Cabinet or the Overview and Scrutiny Committee is to be a member of the Audit and Governance Committee.

The proposed change is set out in Appendix A.

PART 5 – CODES AND PROTOCOLS - Associated Protocols - Code of Conduct For Employees – Section 7, Page 40

It is proposed that all new employees complete a Register of Interests form upon appointment and all staff update this annually.

The proposed changes are set out in Appendix B.

3. Options Considered

- 3.1 The proposed amendments referred to in this report and detailed in Appendices A and B are considered to be necessary to improve the Council's governance arrangements. A 'do nothing approach' was considered but this was not the preferred option.

4. Consultation on Options

- 4.1 The Constitution Review Working Party and the Audit and Governance Committee have respectively resolved that the recommendations in this report be to Full Council for approval.

- 4.2 The amendments at Appendix A are being made to reflect CIPFA advice that the Audit and Governance Committee should be independent from the

executive and scrutiny functions. The amendment to the Constitution would formalise best practice.

4.3 The amendments at Appendix B arise from recommendations contained in a Mid Kent Audit report.

5. Implementation

5.1 The proposed changes will come into immediate effect if approved by Full Council on 3 April 2024 and the Constitution will be amended to reflect the changes.

6. Appendices and Background Documents

Appendix A

Appendix B

Exempt appendices (if any): None

Background Papers: None

7. Cross Cutting Issues

A. Legal (including the Human Rights Act)

A clear and effective Constitution supports the corporate priorities and reviewing the Constitution regularly ensures that it most effectively meets the needs of the Council and the public. The Constitution requires the Monitoring Officer to monitor and review the operation of the Constitution.

It is a function of the Constitution Review Working Party and the Audit and Governance Committee to regularly review the Constitution in conjunction with the Monitoring Officer and recommend proposed changes, where significant, to the Council. Any Human Rights Act implications have been addressed in the main body of this report.

Claudette Valmond, Head of Legal Partnership and Monitoring Officer – 21.03.2024

B. Finance and Other Resources

There are no issues or implications arising from this report.

C. Staffing

There are no implications on staffing levels or structures.

D. Risk Management

The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered. The changes proposed are to ensure the effective running of the Council, when deciding whether to recommend approval of the changes the Constitution Review Working Group will need to consider the risk of not recommending approval of the proposed amendments to the Constitution.

E. Environment and Sustainability

There are no implications arising from this report.

F. Community Safety

No significant direct implications.

G. Equalities

There are no relevant issues identified within this report.

H. Data Protection

There is no specific privacy or data protection issues to address.

I. Health and Safety

No significant direct implications.

J. Health and Wellbeing

No significant direct implications.