

Local Members Interest

N/A

Audit and Standards Committee – Tuesday 22 February 2022

Review of the Constitution

Recommendations

I recommend that the Committee:

- a. Consider and recommend to Council further changes detailed in Table 1 within the appendix to the report; and
- b. Review the changes described in Table 2 within the appendix, and as approved by the Director for Corporate Services under his delegated powers, and confirm their satisfaction with the same; and
- c. Review and note the further opportunities for supporting elected members to be explored by the Member and Democratic Services team.

Report of the Director for Corporate Services

Background

1. The Staffordshire County Council Constitution is a key governance document setting out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose. The Constitution is divided into Sections which explain how the Council makes its decisions by outlining how the different parts of the Council work and the basic rules governing the Council's business.
2. The current constitution can be found at [Staffordshire County Council Constitution - Staffordshire County Council](#)
3. The Director for Corporate Services has the authority to make minor and consequential amendments to the Constitution. Material and significant changes to the Constitution are required to be approved by full Council. The full process for approving those involves an initial report to the Audit and Standards Committee where, under delegated powers from full Council, detailed discussions can take

place prior to that Committee submitting a recommendation to Council that any proposed changes be approved.

4. The content of the Constitution is regularly updated in response to circumstances, for example if a new Act of Parliament or changes in our arrangements needs to be reflected within the county council's governance. As such, updates tend to focus on specific sections or paragraphs. There is added value to be gained by periodically reviewing the Constitution as a whole in terms of its structure, language and clarity. Improvements to the Council's Constitution should help the Council to maintain good governance arrangements.
5. At the meeting of the Audit and Standards Committee on 14 December 2021, it was agreed that a working group be formed to consider possible areas for change. Not included within this work were the sections on Financial Procedure Rules and Procurement Regulations, because these sections have already been updated and brought through the governance process separately. Through this work we have also been able to review the Officers section of the Constitution and have made minor updates.
6. The working group met on the 18 January 2022 to shape a review of the county council's Constitution. The working group discussion was wide-ranging, and some of the points raised will become opportunities for working with members on improvements to our arrangements, but do not require changes to our constitution. These are included within table 3 for noting.
7. In addition to the working group, discussion was had with the Leader and Cabinet and an opportunity given to all elected members to offer their suggestions.
8. The remainder of this report is an appendix separated into three sections as follows:

Table 1. Areas of the Constitution where a change is advised, and that the Committee are asked to approve and recommend to Council

Table 2. Areas of the Constitution where a change is recommended that the Monitoring Officer is able to approve under his delegated powers

Table 3. Areas of the Constitution where items have been raised by members for further investigation, to be noted

9. Any changes in Table 1 approved by the Committee will be recommended to the County Council at its meeting on 17 March 2022. All approved changes in Tables 1 and 2 will then be made to the County Council's Constitution and published on the Council's website.

Equalities Implications

Review of wording within the Constitution allows for update to gendered language, for better inclusivity.

Legal Implications

The review will consider any additional changes needed and will ensure that the Constitution remains legally compliant.

Resource and Value for Money Implications

There are no specific resource or value for money implications in reviewing the constitution.

Risk Implications

It is compatible with good risk management to periodically review governance documents.

Climate Change Implications

None

List of Background Documents:

None

Contact Details

Report Authors: Ann-Marie Davidson, County Solicitor and Peter Barker, Member Programme Lead
SLT Lead: John Tradewell, Director for Corporate Services
Cabinet Member Lead: Alan White, Leader of the Council