

Council
22 February 2024

Monitoring Officer Report

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Portfolio: Leader

Ward(s) Affected: All

Purpose of the Report:

This report covers the proposals to amending the layout and ordering of the constitution and an update on the representation to outside bodies.

Recommendations:

That Council agrees:

1. To the reformatting of the Constitution as set out in section 2 of the report.
2. To add in a new section to the Constitution outlining the role and purpose of outside bodies.
3. The amendments to outside bodies and committees as set out in section 3 of the report.
4. The consequential changes to the constitution to be delegated to the Monitoring Officer.

1. Summary

- 1.1 This report covers the proposals to amending the layout and ordering of the constitution and an update on the representation to outside bodies.

2. Constitution – reformatting

- 2.1 The council’s constitution provides an important means of enabling residents and stakeholders to understand how the council makes decisions and who is responsible for those decisions. Section 37 of the Local Government Act 2000 requires each local authority to prepare, keep up to date and publicise a document known as the council’s constitution.
- 2.2 Article 1 of the constitution also states the council will monitor and review its constitution. Following a review and feedback received from both Members and officers, it is proposed that the constitution requires reformatting and the layout re-ordered to ensure that correlated sections are located together, making it easier to find and access key information on how the council should be operating.
- 2.3 As part of the review of the constitution, it is also proposed to add in a new section on outside bodies which will outline a list of all outside bodies the Council is involved in and provide clarification on their purpose for openness and transparency.
- 2.4 It is not proposed at this stage to make any wording changes (i.e. to remove anything, other than adding in the new outside bodies section) to the constitution, other than consequential changes as a result of re-ordering the sections.
- 2.5 The below table provides an overview of the proposed re-ordering of the constitution, including what the new Parts will be called and which of the current sections of the constitution will make up each Part:

New ‘Part’	Existing sections it will be made up of
Part 1 - Introduction to the Constitution	<ul style="list-style-type: none">• The form of the constitution (part 1 introduction)• Overview of the constitution (part 2, article 1)• Review and revision of the constitution (article 15)• Suspension, interpretation and publication of the constitution (article 16)
Part 2 – Code of Corporate Governance	<ul style="list-style-type: none">• Code of Corporate Governance (part 8)
Part 3 – The Public and the Council	<ul style="list-style-type: none">• Public rights (article 3)
Part 4 – Members of the Council	<ul style="list-style-type: none">• Members of the Council overview (article 2)• Members code of conduct (part 5)• Protocol on member/officer relations (part 5)• Members allowances (part 6)

Part 5 – Decision making	<ul style="list-style-type: none"> • How the council operates (part 1) • Overview and types of decisions (article 13) • Responsibility for functions – local choice (part 3) • Responsibility for council functions (part 3) • Responsibility for executive functions (part 3 – remaining parts) • Description of executive arrangements (schedule 1) • Council structure chart • Scheme of delegation (part 3, 16) & (19.7, 19.8, 19.12, 19.15, 19.16, 19.19, 19.20, 19.23, 19.26, 19.27, 19.30, 19.31, 19.34, 20.0 – 20.3 and section 12 of part 3)
Part 6 – full council	<ul style="list-style-type: none"> • The full council (article 4) • Chairing the council (article 5) • Council procedure rules (part 4)
Part 7 – The Executive	<ul style="list-style-type: none"> • The executive (article 7) • Executive procedure rules (currently in part 4)
Part 8 – Overview & Scrutiny	<ul style="list-style-type: none"> • Overview and Scrutiny (article 6) • Overview and scrutiny procedure rules (part 4)
Part 9 – Regulatory and Other Committees	<ul style="list-style-type: none"> • Appeals panel (part 3) • Audit Committee (part 3) • Awards Panel (part 3) • Electoral arrangements committee (part 3 and part 4 terms of reference) • Emergency committee (part 3 and part 4 terms of reference) • Licensing & regulatory committee (part 3) • Planning committee (part 3) • The standards committee (part 2) • Area committees and fora (article 10)
Part 10 – Policy development panels	<ul style="list-style-type: none"> • Communities, Housing and Planning Policy Development Panel (part 4 terms of reference) • Economic Success Policy Development Panel (part 4 terms of reference) • Environmental Excellence Policy Development Panel • Service Improvement & Efficiency Committee (part 3 and (part 4 terms of reference)
Part 11 – Quasi Judicial procedure rules	<ul style="list-style-type: none"> • Quasi Judicial procedure rules (part 4)
Part 12 – Joint arrangements	<ul style="list-style-type: none"> • Joint arrangements (article 11) • Joint appointment panel (part 3) • Joint statutory officer hearings committee (part 3) • Joint statutory officer appeals committee (part 3) • Joint Informal Cabinet with South Norfolk Council (part 4 terms of reference) • Joint Scrutiny Committee (part 4 terms of reference) • Outside bodies <proposing this is a new section>

Part 13 – Officers ○	<ul style="list-style-type: none"> • Management structure (part 7) • Politically Restricted Posts (part 7) • Officer employment procedure rules (part 4) • Officers’ code of conduct (part 5) • Monitoring officer’s protocol (part 5)
Part 14 - Finance, contracts and legal matters	<ul style="list-style-type: none"> • Access to information procedure rules (part 4) • Budget and policy framework procedure rules (part 4) • Financial procedure rules (part 4) • Contracts procedure rules (part 4)

2.6 If agreed by Council, the Monitoring Officer will revise the constitution as set out in the table above, and publish this on the website.

3. Outside bodies and committees

3.1 Following a number of changes to outside bodies, it has become necessary to make the following changes to outside body representations:

- Nplaw board – the representative for nplaw Board will be changed with Cllr Steve Riley now taking this position and Cllr Stuart Beadle standing down
- Greater Norwich Growth Board – the substitute representative will now be Cllr Stuart Beadle, with Cllr Steve Riley standing down
- Health and Wellbeing Board – Norfolk County Council require a named substitute for the Board, it has been confirmed that this will be Cllr Eleanor Laming
- Norfolk Countywide Community Safety Partnership Scrutiny Sub Panel – Norfolk County Council revised the terms of reference for this panel at their meeting on 30th January, linking the membership of this Panel to that of the Norfolk Police and Crime Panel, resulting in Broadland needing to change their representative from Cllr Natasha Harpley to Cllr Sue Catchpole
- Appeals panel – Cllr Trudy Mancini-Boyle has stepped down from her seat and Cllr Peter Berry will take this position

4. Issues and risks

4.1 **Resource Implications** – No implications.

4.2 **Legal Implications** – the recommendations contained within this report ensure that the Council remains compliant with legislation.

4.3 **Equality Implications** – No implications.

4.4 **Environmental Impact** – No implications.

4.5 **Crime and Disorder** – No implications.

4.6 **Risks** – No implications.

5. Recommendations

That Council agrees:

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