

Meeting: Council

Date: 21 July 2022

Wards affected: All Wards

Report Title: Future Approach to Constitution Amendments

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1. Purpose of Report

- 1.1 This report sets out a review in the way that the Council undertakes changes to its Constitution, which will ensure that significant changes and amendments are presented to full Council meetings for approval. Full Council considering significant changes and amendments will provide greater transparency and accountability.

2. Reason for Proposal and its benefits

- 2.1 The proposals in this report strengthen the transparency and accountability in the way the Council maintains its Constitution.

3. Recommendation(s) / Proposed Decision

1. That the proposed amendment to paragraph 13.02(a) of Article 13 of the Constitution, as set out in Appendix 1 attached to this report, be approved.

Appendices

Appendix 1: Article 13, Torbay Council Constitution

Background Documents

Torbay Council Constitution - [Agenda for Torbay Council's Constitution on Thursday, 9 June 2022](#)

1. Introduction

- 1.1 The Council's Constitution sets 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 law, while others are a matter for the Council to choose.
- 1.2 The Constitution is a 'living' document and is kept under review by the Council's Monitoring Officer to ensure it is up to date, reflecting best practice and current legislation. The current practice for amending the Constitution is by the Monitoring Officer in consultation with the Council Leadership Group, which comprises Group Leaders, Deputy Leaders and the Overview & Scrutiny Co-ordinator.
- 1.3 Constitution amendments can vary significantly from very minor/technical changes to wholesale re-writes. An example of a minor change would an officer's job title or changing the amount of allowances following an automatic uplift. An example of a technical change would be the updating following legislative changes. Technical and minor changes are those where there is no 'choice' or 'decision' to be made. Such changes are made by the Monitoring Officer. Significant changes include the introduction of new Local Protocols or changes to Standing Orders to strengthen our governance arrangements and practice.
- 1.4 For any changes to the Constitution where there are active decisions to be made, these are presented to the Council Leadership Group for consultation. Such changes are circulated to all Members for comment prior to discussion by the Council Leadership Group. If any of the Group Leaders disagree with the proposed amendment, it is automatically referred to Full Council for determination. If all Group Leaders concur with the change, then the Constitution is updated by the Monitoring Officer and all Members receive a notification advising them of the change with the updated Constitution published on the Council's website.
- 1.5 A review on the current approach has been undertaken by the Council Leadership Group. To ensure transparency and accountability it was felt significant changes or amendments to the Constitution should be presented to Full Council for approval with Council Leadership Group acting as a consultee. Technical, administrative and legal changes would continue

to be undertaken by the Monitoring Officer so that the Council meeting is not burdened with the volume of minor changes.

2. Options under consideration

- 2.1 To leave the current arrangements in place, however this would not strengthen the Council's transparency and accountability.

3. Financial Opportunities and Implications

- 3.1 Officer time will be required to prepare reports for consideration by Full Council.

4. Legal Implications

- 4.1 None.

5. Engagement and Consultation

- 5.1 The Council Leadership Group undertook the review as set out above.

6. Purchasing or Hiring of Goods and/or Services

- 6.1 Not applicable.

7. Tackling Climate Change

- 7.1 Not applicable.

8. Associated Risks

- 8.1 None.

9. Equality Impacts - Identify the potential positive and negative impacts on specific groups

	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people			There is no differential impact.
People with caring Responsibilities			There is no differential impact.
People with a disability			There is no differential impact.
Women or men			There is no differential impact.
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)			There is no differential impact.
Religion or belief (including lack of belief)			There is no differential impact.
People who are lesbian, gay or bisexual			There is no differential impact.
People who are transgendered			There is no differential impact.
People who are in a marriage or civil partnership			There is no differential impact.
Women who are pregnant / on maternity leave			There is no differential impact.
Socio-economic impacts (Including impact on child poverty issues and deprivation)			There is no differential impact.
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			There is no differential impact.

10. Cumulative Council Impact

10.1 None.

11. Cumulative Community Impacts

11.1 None.