

REPORT TO:	GENERAL PURPOSES AND AUDIT COMMITTEE 25 January 2022
SUBJECT:	REVISIONS TO THE COUNCIL'S CONSTITUTION
LEAD OFFICER:	Richard Ennis, Interim Corporate Director of Resources & Section 151 Officer
WARDS:	All
PUBLIC/ EXEMPT:	Public
SUMMARY OF REPORT: This report updates Councillors on progress in reviewing the Council's Constitution in preparation for the introduction of the mayoral model of governance and seeks approval for other changes to the constitution which are appropriate at this time.	
CORPORATE PRIORITIES 2021-24: Changes to the Constitution proposed in this report will enable improvements to the Council's governance as part of the Croydon Renewal Plan.	
FINANCIAL IMPACT Implementation of the recommendations within this report shall be contained within existing budgets.	
RECOMMENDATIONS: The Committee is asked to recommend to Council that they: 1. Approve the changes to the Constitution as detailed in section 2 and set out more fully in Appendix 1.	

1. BACKGROUND

- 1.1 Consideration of changes to the Constitution is a responsibility of the General Purposes and Audit Committee, prior to referral of any proposals to full Council for approval.
- 1.2 In July 2021, full Council agreed that a politically proportionate Constitution Working Group be established to keep the constitution under review and inform proposals for any revisions to the Constitution.
- 1.3 The Constitution Working Group has been meeting since late November 2021 to consider revisions to the constitution in preparation for the commencement of the mayoral governance model in May 2022. Proposed revisions relating to the mayoral model will be brought to the March meeting of this committee.

- 1.4 The Working Group has also considered other revisions to the constitution which are required for a variety of reasons: this report sets out those proposed revisions for consideration by the Committee.

2. PROPOSAL

- 2.1 The following revisions are proposed:

- i) Part 3 – Responsibility for Functions section 2.2(8): updated criteria for dispensations to ensure consistency with the Members’ Code of Conduct (reflecting all categories of interest for disclosure);
- ii) Part 4B – Access to Information Procedure Rules section 13: addition to ensure clarity that redaction may be used to enable disclosure of information where part but not all of the document contains confidential information, consistent with the Access to Information Protocol (see below);
- iii) Part 4D – Executive Procedure Rules section 1.4 and Part 4F – Non-Executive Committee Procedure Rules section 11: updated to include disclosure of all categories of interest, consistent with the Members’ Code of Conduct;
- iv) Part 2, Article 8 and Part 3 – Responsibility for Functions for Licensing: minor amendments.

The Committee is also asked to note that the Director of Legal Services is amending Part 5F – Protocol for Licensing Hearings under the Licensing Act 2003 and Part 5G – Protocol for Licensing Hearings under the Gambling Act 2005: these revisions are to address typographical errors and provide clarity on the appointment of Reserve Members to the Licensing Committee.

- v) Part 6D – Scheme of Co-option: revisions to:
 - Include reference to the independent Chair of General Purposes and Audit Committee (the Committee does not appoint its own chair);
 - Ensure consistency with the Member Code of Conduct (when Ethics Committee agreed to recommend to Full Council adoption of the Member Code on 30 September 2021, it did so on the understanding that the Scheme of Co-option would also be revised, as part of a suite of documents supporting high standards of conduct);
 - Clarify that access to information rights for co-optees apply only in relation to co-optees’ specific role.

- 2.2 It is also proposed to add the Access to Information Protocol at a new Part 5K, following agreement to recommend adoption of this document by Ethics Committee on 9 December 2021.

3. REASONS FOR RECOMMENDATION

- 3.1 The proposed changes to the constitution will ensure and assist with compliance and consistency with other decision making by the Council.

4. CONSULTATION

- 4.1 The changes proposed in this report will support implementation of other decisions by Council and compliance with legislation and as such have not been subject to separate consultation.

5. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 5.1 Approved by: Matthew Davis, Interim Director of Finance

6. LEGAL CONSIDERATIONS

- 6.1 The Head of Head of Litigation & Corporate Law comments on behalf of the Interim Director of Law and Deputy Monitoring Officer that the Local Government Act 2000 ('2000 Act') requires the Council to prepare and keep up to date the Council's constitution.
- 6.2 To ensure the Council upholds its responsibility in line with the 2000 Act, the changes as summarised in paragraph 1.4 are being proposed. These proposed changes and updates are set-out in paragraph 2 and detailed within the appendices of the report.
- 6.3 Clarification as to some of the more substantive changes are outlined below.
- 6.4 The proposed changes relating to the Code of Conduct reflect the Council's duty under the 2000 Act to adopt such a Code, which was revised at the Council's meeting in October 2021. These changes were made in accordance with the new national Model Member Code of Conduct produced by the Local Government Association.
- 6.5 Under section 31 of the Localism Act 2011 a Member or co-opted Member should not participate in a meeting where they have a disclosable pecuniary interest (DPI), unless he/she has first obtained a dispensation. The relevant changes reflect the newly adopted Code of Conduct and the need for a declaration also to be sought for Other Registrable Interests (ORIs) and Non-Registrable Interests, in accordance with the Council's dispensation procedure, should the Member or co-opted Member wish to participate in a meeting where any such interests arise.
- 6.6 The proposed change to Part 4B's Access to Information Procedure Rules has been made in line with the introduction, within the Constitution, of the Part 5.K Protocol on Members' rights of access to information. This amendment has been made with due regard being given to both the Local Government Act 1972 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Approved by: Approved by Sandra Herbert, Head of Litigation & Corporate Law on behalf of the Interim Director of Law & Deputy Monitoring Officer.

7. HUMAN RESOURCES IMPACT

- 7.1 There are no immediate Human Resources implications arising from the contents of this report.

Approved by: Gillian Bevan, Head of HR – Resources and Assistant Chief Executive

8. EQUALITIES IMPACT

- 8.1 The constitution of the Council should give due regard to equality and fairness and ensure that equality is fundamental to how the Council undertakes its core business. The Council has a statutory duty to comply with the provisions set out in the Sec 149 Equality Act 2010. The Council must therefore have due regard to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 8.2 Any constitutional review should have regard, wherever possible, to the vision that Croydon is a fairer, safer, more inclusive borough, where everyone has a voice and feels as if they belong. The review should also have regard wherever possible to the Council's core priority, which is to focus on tackling ingrained inequality and poverty in the borough.

Approved by: Denise McCausland, Equality Programme Manager

9. ENVIRONMENTAL IMPACT

- 9.1 There is no environmental impact arising from this report.

10. CRIME AND DISORDER REDUCTION IMPACT

- 10.1 There is no crime and disorder impact arising from this report.

11. DATA PROTECTION IMPLICATIONS

- 11.1 **WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?**

No.

- 11.2 **HAS A DATA PROTECTION IMPACT ASSESSMENT (DPIA) BEEN COMPLETED?**

N/A.

Approved by: Richard Ennis, Interim Director of Resources.

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APPENDICES TO THIS REPORT:

1: Proposed changes and amendments to the Constitution

BACKGROUND PAPERS: None.