

CONSTITUTION AND ETHICS COMMITTEE	AGENDA ITEM No. 4
27 FEBRUARY 2023	PUBLIC REPORT

Report of:	Rochelle Tapping, Corporate Director of Law and Governance
Cabinet Member(s) responsible:	Councillor Coles, Cabinet Member for Corporate Governance and Finance
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TIMETABLE FOR REVIEWING PETERBOROUGH CITY COUNCIL CONSTITUTION

RECOMMENDATIONS	
FROM: <i>Rochelle Tapping, Corporate Director of Law and Governance</i>	Deadline date: <i>N/A</i>
<p>It is recommended that the Constitution and Ethics Committee:</p> <ol style="list-style-type: none"> 1. Note the proposed timetable for a full review of the Council's constitution, as set out in section 6 of the report. 2. Recommend to Council that authority be delegated to the Director of Law and Governance & Monitoring Officer to make any necessary changes to the Contract Rules, following the implementation of revised procurement procedures. 	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Constitution and Ethics Committee following a referral from the Corporate Leadership Team and previous informal discussions amongst Members.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to provide an overview of the anticipated timeline for a full review of Peterborough City Council's constitution.
- 2.2 This report is for the Constitution and Ethics Committee to consider under its Terms of Reference No. 2.7.2.1, '*Authority to oversee the operation of the Council's Constitution and authority to make recommendations to Full Council as to amendments and improvements to the Council's Constitution (including the codes and protocols) subject to the receipt and consideration of a report prepared by the Monitoring Officer, with the exception of those matters under the remit of the Executive.*'

3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
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4. BACKGROUND AND KEY ISSUES

- 4.1 There are a number of reviews currently ongoing in relation to the Council's governance arrangements, including:
- a review of the Council's Model of Governance by the Constitution and Ethics Committee Governance Review Working Group,
 - a review of the Council's internal governance structure and decision-making processes, supported by the Corporate Delivery Unit, and
 - an intended review of the Council's scrutiny procedures, supported by the Centre for Governance and Scrutiny and the Local Government Association.
- 4.2 Separate to this the Council's constitution requires reviewing, with some sections not having been updated for a number of years and there being several inconsistencies and impracticalities across the document as a whole.
- 4.3 As the above referenced reviews will each have an impact on the constitution, it is suggested that a review of the constitution takes place when each of these reviews are completed, to allow for any changes to be factored into the "new" constitution.

5. PROCESS

- 5.1 Peterborough City Council's Constitution is a large and complicated document and any review of it should be sufficiently thorough and transparent. It is therefore suggested to split the review into four stages: engagement, drafting, consultation, and final approval.
- 5.2 The engagement process will begin following approval of the timetable by the Committee and will begin with a range of sessions with various officer stakeholder groups – focusing on those officers who interact with the constitution on a regular basis – to establish what kind of updates are necessary.
- 5.3 This will be followed by engagement with Members, though various existing forums, such as All Party Policy, but also through small workshop groups.
- 5.4 The next stage will be the drafting process, which will take into account all the feedback received as well as incorporating the outcome of the previously mentioned governance reviews. Depending on the outcome of these reviews there may be significant changes to the constitution proposed at this stage. An important aspect of the drafting process includes cross referring the constitution with current legislation.
- 5.5 A report will then be brought to the Constitution and Ethics Committee to consider two matters: firstly, any minor or more straightforward changes to the constitution that can be implemented at an earlier stage. Should the committee agree, a recommendation would then be made to Full Council to approve those changes.
- 5.6 Secondly, any more significant changes proposed (particularly those that would change the Governance model or structure of the Council) would be submitted to the committee for approval to be published as part of a public consultation. This consultation would last approximately 6 weeks. At this stage, proposals would also be taken to Scrutiny Committee for their comment.
- 5.7 Following consideration of any consultation response, the committee would then be presented with the final proposed updates for approval and recommendation to Full Council.
- 5.8 It is important to note, however, that some areas of the constitution will not be subject to approval from the Constitution and Ethics Committee, specifically, the executive delegations, which would remain in the gift of the Leader to agree.

6. TIMELINE

Phase 1 – Engagement process:

From March 2023 – Officer Stakeholders

June 2023 – Member Workshops

Phase 2 – Drafting:

August 2023 – including feedback, outcome of governance reviews and legislation check

Phase 3 – Public Consultation/Interim Updates:

Sept 2023 – Constitution and Ethics Committee – launch of 6 week public consultation and approval of ‘interim’ updates

Sept/Oct 2023 – Scrutiny Committee

Nov 2023 – Full Council – approval of ‘interim’ updates

Phase 4 – Final Approval:

20 Nov 2023 – Constitution and Ethics Committee

6 Dec 2023 – Full Council (with any structure changes for implementation from 2024)

5. CONTRACT RULES

- 5.1 Recommendation 2 relates specifically to anticipated updates to the Council's Contract Rules. These are expected following the reintegrated of the procurement into the Council and the revisions to the Council's internal procedures that are necessary to implement this.

In order to ensure that the procurement service is operating as smoothly as possible, it is requested that authority to amend the Contract Procedure Rules be delegated to the Director of Law and Governance & Monitoring Officer, in order for changes to be implemented as quickly as possible.

6. CORPORATE PRIORITIES

- 6.1 The recommendation links to the follow Council Corporate Priorities:

1. The Economy & Inclusive Growth
 - Environment – there are no Carbon Impact Implications arising from this recommendation.
2. Sustainable Future City Council
 - How we Work, How we Serve, How we Enable – in reviewing the Constitution, the Council can assess how it works, serves and enables from a Governance perspective and update this as appropriate.

7. CONSULTATION

- 7.1 Informal discussions have been held with Members and Senior Leadership regarding the need and intent to conduct a comprehensive review of the Constitution.

8. ANTICIPATED OUTCOMES OR IMPACT

- 8.1 It is anticipated that in reviewing the constitution wholesale following the timeline suggested, this would ensure that the constitution represents the most up-to-date and best practice governance regimes and also ensure that there are no incongruences within different parts of the constitution.

9. REASON FOR THE RECOMMENDATION

- 9.1 Members are asked to note the proposed timeline in order to ensure that they are fully briefed on when and how ongoing governance reviews will be incorporated into the overarching constitution review.

10. ALTERNATIVE OPTIONS CONSIDERED

- 10.1 Not to review the constitution – this would mean that the constitution would continue to be updated in an ad hoc manner and may result in current discrepancies between sections to widen and for procedures contained within to continue in a potentially outdated fashion.

11. IMPLICATIONS

Financial Implications

- 11.1 None.

Legal Implications

- 11.2 A local authority is under a duty to prepare and keep up to date its constitution under s.9P Local Government Act 2000. The constitution reflects both the decisions and the decision-making processes of the authority.

Equalities Implications

- 11.3 There are no equalities implications arising from this report.

12. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 12.1 [Peterborough Improvement Plan](#)

[Constitution and Ethic Committee 6 October 2022 – Peterborough City Council Governance Review – Terms of Reference Report](#)

13. APPENDICES

- 13.1 None.