

Chichester District Council

Corporate Governance and Audit Committee

19th July 2021

Constitutional Amendment

1. Contacts

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2. Recommendation

2.1 That the committee note the amendments to the Constitution made by the Monitoring Officer in the period January 2019 to July 2021.

3. Background

- 3.1 As part of the proper and effective management of the Constitution, a task and finish group was set up comprising members from all three groups, chaired by the Leader of the Council. This considered constitutional issues which have arisen since the major review of the Constitution in 2016.
- 3.2 The task and finish group received advice from the Monitoring Officer as to his powers to make “consequential” amendments to the Constitution. These changes are limited to those required to update the Constitution following structural changes or legal changes. The Group was content with this but directed the Monitoring Officer to provide a report on such changes to ensure they were entirely clear to members.
- 3.3 For obvious reasons this report was not considered to be urgently required during the restricted early covid committee timings, so with the agreement of the Chairman the report for 2020 was “rolled over” to 2021.

4. Outcomes to be achieved

- 4.1 To maintain member oversight of application of the use of Constitution amendment powers by the Monitoring Officer.

5. Schedule

- 5.1 The Monitoring Officer (MO) has powers under the Constitution to amend two types of matters without reference to others, being officer title changes (Changes to reflect recent job title changes have recently taken place for example) or changes which arise as the result of a change in Statute or regulation (For example when the Antic Social behaviour Act 2014 came into effect making changes to the basis of certain powers delegated to specific officers). The task and finish group considered that the Monitoring Officer powers are proportionate, sufficient and reasonable to the requirements of the Council.

5.2 The group noted the powers granted to the Monitoring officer and the ability, through Modern.Gov, for all members to review changes made by that officer. However, in order to improve transparency and visibility of the use of those delegated changes it was felt by the group that some form of annual “headline” reporting of those changes would be useful.

5.3 The schedule attached shows all changes to the Constitution since the previous report to this committee.

6. Alternatives that have been considered

6.1 It is open to this Committee and Full Council to have such reporting mechanisms as they prefer including not requiring any reports to be submitted, but the view of the Task and Finish group was that there would be benefits to member awareness of the operation of the Constitution through this reporting.

7. Resource and legal implications

7.1 None of the recommendations have an impact on finance, staffing, IT or property.

8. Consultation

8.1 There is no direct community or corporate impact from the recommendations of this report beyond those set out in the body of the report as to improved reporting.

9. Community impact and corporate risks

9.1 There is no direct community or corporate impact from the recommendations of this report beyond those set out in the body of the report as to improved reporting.

10. Other Implications

| Are there any implications for the following? | | |
|---|-----|----|
| If you tick “Yes”, list your impact assessment as a background paper in paragraph 13 and explain any major risks in paragraph 9 | | |
| | Yes | No |
| Crime & Disorder: The Council has a duty “to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area”. Do the proposals in the report have any implications for increasing or reducing crime and disorder? | | X |
| Climate Change and Biodiversity: Are there any implications for the mitigation of/adaptation to climate change or biodiversity issues? If in doubt, seek advice from the Environmental Strategy Unit (ESU). | | X |
| Human Rights and Equality Impact: You should complete an Equality Impact Assessment when developing new services, policies or projects or significantly changing existing ones. For more information, see Equalities FAQs and guidance on the intranet or contact Corporate Policy. | | X |
| Safeguarding and Early Help: The Council has a duty to cooperate with others to safeguard children and adults at risk. Do these proposals have any implication for either increasing or reducing the levels of risk to children or adults at risk? The Council has committed to dealing with issues at the | | X |

| | | |
|--|--|---|
| earliest opportunity, do these proposals have any implication in reducing or increasing demand on Council services? | | |
| <p>General Data Protection Regulations (GDPR): Does the subject of the report have significant implications for processing data likely to result in a high risk to the rights and freedoms of individuals? Processing that is likely to result in a high risk includes (but is not limited to):</p> <ul style="list-style-type: none"> • systematic and extensive processing activities and where decisions that have legal effects – or similarly significant effects – on individuals. • large scale processing of special categories of data or personal data relation to criminal convictions or offences. • Any larger scale processing of personal data that affects a large number of individuals; and involves a high risk to rights and freedoms e.g. based on the sensitivity of the processing activity. • large scale, systematic monitoring of public areas (including by CCTV). <p>Note - If a high risk is identified a Privacy Impact Assessment must be provided to the Data Protection Officer.</p> | | X |
| Other (Please specify): eg health and wellbeing | | X |

10. Appendices

10.1 A schedule of the changes to the constitution since 2019

11. Background Papers

None

Appendix

The existing number of members sitting on individual committees was reviewed.

Following consideration of the workloads of each committee and impact of their decisions member numbers were agreed for recommendation to Full Council:

| Name of Committee | Existing Numbers | Agreed Numbers |
|------------------------------|-------------------------|-----------------------|
| CGAC | 10 | 8 |
| Investigation & Disciplinary | 5 | 5 |
| Standards | 7 | 7 |
| Overview & Scrutiny | 15 | 11 |
| Licensing | 15 | 10 |
| Planning | 15 | 13 |
| | Total | 54 |