

Report Title	Constitutional Review
Meeting	Council
Meeting Date	21 st May 2026
Report Author	Howard Culshaw
Directorate	Resources
Lead Executive Member(s)	
Wards Affected	All
Public. Part Exempt, or Fully Exempt	Public
Appendices (if any)	

1. Executive Summary

- 1.1 This report is the result of the continuing review of the council's constitution by the Monitoring Officer. It makes suggestions to improve the document's robustness and ensure good practice and legal compliance in decision making.

2. Recommendations

For the reasons set out in this report, council is recommended to:

- 2.1 Make explicit the nature and role of Working Groups (page 34).
- 2.2 Amend the delegation scheme for taxi licensing to include wider consultation with the chair (page 54).
- 2.3 Approve Delegations to the Assistant Director HR & Organisational Change (page 56).
- 2.4 Strengthen the procedural rules about voting procedure specifically in relation to planning matters (page 78/79).
- 2.5 Approve amendments to the Protocol for Recording of Council Meetings at Part 5, (page 82 and 224).
- 2.6 Make explicit provision for the cancellation of Executive Meetings (page 97).
- 2.7 Amend the Overview & Scrutiny Procedure Rules to reflect the council's legal obligation to publish all Executive function decisions (page 101).

2.8 Note the amendments to the Contract Procedure Rules (Page 105 onwards) and the Financial Procedure Rules (Page 142 onwards).

3. Information: the Rationale & Evidence for the Recommendations

3.1 Working groups have no legal status but the constitution ought to be explicit about the scope for the Council, Executive and Overview & Scrutiny Committee to set them up. They would be established by the respective body and report back to that body.

3.2 Many councils have a provision in their scheme of delegation for wider consultation with the chair of the Taxi Licensing Committee over refusal decisions and therefore this is a suggested modification to the scheme.

3.3 Following the transfer of the Human Resources function into the Council and the creation of the Assistant Director Human Resources and Organisational Change post, the Constitution needs updating to reflect the delegated powers the post holder requires to be able to carry out the role.

3.4 When speaking and voting in relation to planning matters, councillors must attend throughout the entire consideration of the item both before and during the debate itself. It is not merely good practice, but a necessity given that this is the exercise of a quasi-judicial function and requires observance of the rules of natural justice. The principle here being that of hearing all sides of the argument.

3.5 For added clarity around the issue of recording of meetings, this is a recital of what the law stipulates in relation to reporting of meetings by members of the public.

3.6 Occasionally meetings need to be cancelled, and it is therefore suggested that the procedure and circumstances for doing so are made explicit in these terms.

3.7 The Openness of Local Government Bodies Regulations 2014 require recording and publishing Executive decisions whether made at the Executive's meetings, by an Executive member or by an officer. The suggested amendment is designed to reflect that requirement.

3.8 A number of changes are proposed to the Contract Procedure Rules to fully incorporate the Procurement Act 2023. The most significant changes are:

- Strengthening the requirement for social value commitments to be considered in the procurement process (Page 113); and
- The opportunity to reserve competitions for below threshold contracts to businesses based locally (Page 129).

3.9 Minor amendments are proposed to the virement approval limits in the Financial Procedure Rules (Page 148). Various other minor amendments.

- 3.10 A number of changes are proposed to the Contract Procedure Rules to fully incorporate the Procurement Act 2023. The most significant changes are:
- Strengthening the requirement for social value commitments to be considered in the procurement process; and
 - The opportunity to reserve competitions for below threshold contracts to businesses based locally.

4. Link to Council Plan Priorities: (Providing High Quality Services and Facilities, Proud and Connected Communities and Places, Good Growth and Housing and Healthy Communities)

4.1 High Quality Services – review of the constitution.

5. Implications

5.1 Financial Implications

There are no financial implications arising directly from this report.

5.2 Legal and Governance Implications

Amendments are designed to further improve sound decision making.

5.3 Climate and Biodiversity Implications

None

5.4 Human Resources Implications

The HR delegations will improve the administrative efficiency of the Council's HR function.

5.5 Equality and Diversity Implications

None

6. Consultation

- 6.1 There is no wider consultative requirement where the Monitoring Officer is merely annually reviewing the Constitution. However, Legal and Financial Services team members and the Democratic Services Manager have given their input to the suggested changes.

7. Alternative Options Considered

No alternatives were considered. The suggestions are either established good practice or a reflection of legal requirements.

8. Statutory Officer Sign off (please put an x in the relevant box below)

Section 151 Officer	X
Monitoring Officer	X

9. Background Documents

The Council's Constitution

Contact Officers

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