

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**AUDIT AND GOVERNANCE COMMITTEE – 5 FEBRUARY 2025**



<b>Title of Report</b>	<b>ANNUAL REVIEW OF THE COUNCIL'S CONSTITUTION</b>	
<b>Presented by</b>	<b>Kate Hiller Head of Legal and Support Services and Monitoring Officer</b>	
<b>Background Papers</b>	<a href="#">Current Constitution</a>  Working Group Minutes 18 September 2024  Working Group Minutes 20 November 2024  Working Group Minutes 19 December 2024	<b>Public Report: Yes</b>
<b>Financial Implications</b>	There are no direct financial implications arising.	
	<b>Signed off by the Section 151 Officer: Yes</b>	
<b>Legal Implications</b>	The Monitoring Officer has reviewed the Constitution to ensure that members and officers can make robust effective decisions. The proposed changes are based on legal advice and best practice.	
	<b>Signed off by the Monitoring Officer: Yes</b>	
<b>Staffing and Corporate Implications</b>	There are no direct staffing or corporate implications arising.	
	<b>Signed off by the Head of Paid Service: Yes</b>	
<b>Purpose of Report</b>	To ask the Committee to consider the work of the Governance Working Group on the 24/25 review of the Constitution and to recommend its adoption to Council.	
<b>Recommendations</b>	<b>THAT AUDIT AND GOVERNANCE COMMITTEE:</b> <ol style="list-style-type: none"> <li><b>1. NOTES THE WORK OF THE CROSS-PARTY WORKING GROUP IN CONDUCTING THE ANNUAL REVIEW OF THE CONSTITUTION;</b></li> <li><b>2. CONSIDERS THE PROPOSED CHANGES TO THE CONSTITUTION, SUMMARISED IN THE REPORT AND AT APPENDIX A, ILLUSTRATED AT APPENDIX B, AND THE CHANGES REQUIRED BY THE PROCUREMENT ACT 2023 SUMMARISED AT APPENDIX C;</b></li> <li><b>3. RECOMMENDS THE CHANGES TO THE CONSTITUTION TO COUNCIL AT ITS MEETING ON 20 FEBRUARY 2025 FOR ADOPTION WITH EFFECT FROM 1 MARCH 2025.</b></li> </ol>	

## **1.0 BACKGROUND**

- 1.1 The Local Government Act 2000 requires each local authority to prepare, keep up to date and publicise the document known as the Constitution.
- 1.2 The Constitution should be logical, integrated and accessible to members, officers, the public and anyone else interested in the way a local authority makes its decisions. There is also a statutory requirement on the Council's Monitoring Officer to keep the Constitution up to date, and accordingly the update of the Constitution is an on-going process.
- 1.3 Full Council considers reports on the annual review of the Constitution. The updates are generally required due to legislative and organisational changes or to clarify and improve processes within the Council to reflect best practice. The proposed changes are considered by Audit and Governance Committee before Council.

## **2.0 METHOD OF REVIEW**

- 2.1 The review of the Constitution was led by Legal Services and involved consultation with officers on areas of the document which needed to be updated/amended for the purposes of clarity, to reflect any changes in the law and incorporating any feedback raised by Members.
- 2.2 As with the previous reviews and the interest expressed by Members in this area of work, a cross party Member working group was established to feed into the work on the Constitution. The Governance Working Group comprised of Councillors Everitt, Rogers, Simmons (Chair), Smith and Sutton, and met on the following dates:

18 September 2024

20 November 2024

19 December 2024 (also attended by the Strategic Director of Resources)

- 2.3 The working group had agreed its terms of reference at an earlier meeting which was convened to review the Arrangements for Dealing with Complaints against Councillors. At the meeting of the Group held in September 2024, the Group agreed the timetable for the review of the Constitution and the way that it wished to see information presented to it. The appendices to this report reflect the approach agreed by the working group. Appendix A shows the proposed changes in a summary schedule of changes. Appendix B takes extracts from each relevant section of the Constitution and shows the proposed changes as tracked changes. This enables Members to see the proposed changes in one place and in the context of the Constitution document. Appendix C sets out the proposed changes to the Contract Procedure Rules required by the Procurement Act 2023.
- 2.4 Any feedback from the group has been taken into account in updating the relevant sections. Members have provided invaluable insight and constructive challenge to the review process and are thanked for their time and work on this project.

## **3.0 SUMMARY OF MAIN CHANGES PROPOSED**

- 3.1 The summary schedule of changes to the Constitution is provided at Appendix A. The updated extract from the Constitution is provided at Appendix B. A hyperlink on the first page helps navigate to the relevant sections.

- 3.2 The changes to the Contract Procedure Rules within the Constitution required as a result of the Procurement Act 2023 coming into force have been set out in Appendix C. At the Working Group, it was requested that a comparison with the relevant previous provisions from the Contract Procedure Rules be included with this report to the Committee, due to the significant changes being proposed. Due to the amount of differences between the two versions, it has not been possible to create a full comparison, but relevant parts from the current rules have been included in order for the Committee to see the most important changes.
- 3.3 In addition to the main changes, a cold read of the entire Constitution will be undertaken to correct any inconsistencies, to include the correction of typing and numbering errors.
- 3.4 Usually on a review of the Constitution, the changes would be adopted from the new civic year, however on this occasion it is proposed that the changes are adopted from 1 March 2025. This is to ensure the new provisions added to comply with the Procurement Act 2023 are in place when the Act comes into force.

<b>Policies and other considerations, as appropriate</b>	
Council Priorities:	A well-run council which is trusted by customers to provide its services.
Policy Considerations:	The constitution sets out how the Council makes decisions and its governance arrangements
Safeguarding:	N/A
Equalities/Diversity:	N/A
Customer Impact:	A clear yet comprehensive Constitution will enable customers to understand the functions and responsibilities of the Council and hold the Council to account.
Economic and Social Impact:	N/A
Environment, Climate Change and zero carbon:	N/A
Consultation/Community Engagement:	N/A
Risks:	An up to date Constitution is a legal requirement.
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