

<b>Policy and Resources Committee</b>	
<b>Meeting Date</b>	10 September 2025
<b>Report Title</b>	<b>Constitution amendment: Various</b>
<b>EMT Lead</b>	Robin Harris – Monitoring Officer
<b>Head of Service</b>	
<b>Lead Officer</b>	
<b>Classification</b>	<b>Open</b>
<b>Recommendations</b>	<p>Policy and Resources committee is asked to:</p> <ol style="list-style-type: none"> <li>1. <b>Consider</b> the amendments at Appendix I and <b>determine</b> which of the amendments to <b>recommend to council</b> for their incorporation into the constitution.</li> </ol>

## 1 Purpose of Report and Executive Summary

- 1.1 This report introduces a number of changes to the constitution to correct errors, provide clarity and generally improve the document. The report asks to Policy and Resources committee to recommend the amendments to council for adoption.

## 2 Background

- 2.1 Council voted unanimously in October 2021 to move to a committee system of governance from the 2022/23 municipal year. At the same meeting, council requested the cross-party working group (the Constitution Working Group or “CWG”) which had been established to consider this governance change to continue its work in overseeing the detail of the new constitution.
- 2.2 The CWG now meets on an ‘as needed’ basis to consider changes to the committees or the constitution of the Council. The CWG has now met twice since June 2025 and has agreed Terms of Reference for the group.
- 2.3 The amendments proposed, as set out in Appendix I have been raised as issues because they are either in error, could have greater clarity, make decisions more robust and/or improve efficiency, or in the case of the proposals around the term of the Leader, to receive a steer from the P&R Committee as to what recommendation to put to Council.

## 3 Proposals

- 3.1 The constitution working group reviewed the proposals in appendix I and were satisfied that the amendments to the constitution could be made. With respect to the term of office for the Leader of the Council, this is for Policy

and Resources Committee to consider. If the period is to be for one year, then the constitution does not need to be amended. If the term is to be a period of more than one year, then the proposed text for clause 3.1.2.1 is recommended, with the specific term to be entered at paragraph (7).

3.2 Appendix 1 details the other proposals and the reasons for the proposal.

3.3 The Policy and Resources committee is now asked to **Consider** the amendments at Appendix I and **determine** which of the amendments to **recommend to council** for their incorporation into the constitution.

## 4 Alternative Options Considered and Rejected

4.1 The Committee could not make the proposed amendments, but this is not recommended as improvements would not be made.

## 5 Consultation Undertaken or Proposed

5.1 The cross-party constitution working group has given consideration to the proposed amendments set out at Appendix I.. Consultation has also taken place with the officers, who are responsible for administering the work in the areas affected.

## 6 Implications

Issue	Implications
Corporate Plan	Adoption of improvements to the constitution and the removal of errors support the fourth corporate priority of renewing local democracy and making the council fit for the future.
Financial, Resource and Property	No direct implications identified at this stage.
Legal, Statutory and Procurement	The Council is required to have a constitution.
Crime and Disorder	No direct implications identified at this stage.
Environment and Climate/Ecological Emergency	
Health and Wellbeing	
Safeguarding of Children, Young People and Vulnerable Adults	
Risk Management and Health and Safety	

Equality and Diversity	
Privacy and Data Protection	

## **7 Appendices**

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Proposed amendments

## **8 Background Papers**

8.1 There are no background papers

Issue:

Leader of the Council to automatically be the chair of Policy and Resources Committee.

**Leader of the Council (Chairman of P&R Committee):**

**Membership and functions of the Policy and Resources Committee**

2.2.1.1 The Policy and Resources Committee shall be comprised of 15 members of the Council. (Add: The Leader of the Council will be the Chair of the Policy and Resources Committee)

Issue:

How long the term of Leader should be?

**Leader of the Council (Term of Office):**

**Note that a 1 yr term is already facilitated by rule 3.1.1 (6) below:**

**3.1.1 Annual Meeting of the Council \***

(6) Elect the Leader of the Council; (Add: if required. (See procedure rule 3.1.2.1 below.))

**3.1.2 Election of Mayor and Deputy Mayor \***

...

If no nominations are received, nominations for the Mayor and Deputy Mayor shall be requested at the Annual Meeting.

**(Add: 3.1.2.1 Election, Term and Removal of the Leader of the Council**

- (1) In a year where there is an ordinary election of Members, the Annual Meeting of the Council will elect a member to be the Leader of the Council. In other years, Annual Council will only elect a Leader if their term has expired, they have retired or been removed or are otherwise unable to continue as the Leader.
- (2) Where a Leader falls to be elected, each political group may propose one candidate to be the Leader of the Council. Once proposed, a candidate's nomination must be seconded, in order for the candidate to go forward to the vote.
- (3) Once all nominations have been proposed and seconded the Council will vote on each member in alphabetical order.
- (4) The member with the highest number of votes will be elected as Leader of the Council.

- (5) In the event of a tie, the candidates with the least number of votes will be eliminated from the vote and a further vote will be taken with just the candidates who are tied.
- (6) If, after this second vote, the result is still a tie, the Chief Executive will arrange, at their discretion, a fair method to determine which of the candidates will be elected as Leader of the Council.
- (7) Subject to Rule 3.1.2.1 (1) the term of office for the Leader of the Council will be (x) years.
- (8) The Leader may be removed from office by motion to the Council. (See procedure rule 3.1.14.4 below.)

Issue:

Committee Appointments – The current constitution sets out that members of the Disciplinary and Investigations Committees need to sit on P&R. This is unworkable.

### **Subcommittees and Working Groups**

2.2.1.4 The Policy and Resources Committee may establish such subcommittees and/or working groups as it requires and may set the terms of reference and membership of those subcommittees and working groups.

It shall also have the following subcommittees (Add: and working groups.) (Delete: ~~each comprised of 7 members of the Committee who have received appropriate training on the conducting of hearings and employment.~~) (Add: The subcommittees will be made up of 7 members of the Council who will be provided with contemporaneous training and support from an external provider as required.)

Issue:

Minor amendments to the constitution and oversight of amendments

### **Delegations to the Monitoring Officer**

2.8.8.4 To make any necessary updates to the Constitution (as required by law) where there is no discretion in consultation with the Leader of the Council. (Add: and the Chairman of the Constitution Working Group.)

2.8.5.6 To publish and maintain the Council's Constitution with authority to make minor textual changes and amendments (Delete: ~~to Officer Delegations to take account of changes in legislation~~) in consultation with the Leader of the Council (Add: and the Chairman of the Constitution Working Group).

### **Proposed Change to the Constitution**

**Title:** *(Short title for ease of reference)*

Changes to write off procedures and limits
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**Relevant section of the Constitution (including page/paragraph number):**

2.8.7.4 & 2.8.7.29 & 2.8.7.33  
D5.9 para b)(PAGE 29)

**Description of proposed change:**

*(Please show the tracked changes here or attached as a separate word document)*

2.8.7.4 To write-off any irrecoverable debt in accordance with the Financial Regulations, ~~and the information to be kept in a register.~~

2.8.7.29 To write-off any irrecoverable debt in respect of Council Tax, Non-Domestic Rates and Housing Benefit Overpayments in accordance with the Financial regulations ~~and the information to be kept in a register.~~

2.8.7.33 To write-off any irrecoverable debt in the case of council tax, business rates or housing benefit overpayments in accordance with the Financial Regulations, ~~and the information to be kept in a register.~~

D5.9

(a) all debts arising from ~~companies being dissolved~~, bankruptcies, and liquidations, which are not covered by distributions from liquidators, receivers or administrators; and

(b) any other single amount due to the Council up to ~~£5,000~~ £10,000 or with ~~Strategic Management Team~~ Directors and CX approval ~~£10,000~~ £20,000. Any outstanding debt in excess of this amount can only be written off with the consent of the Policy and Resources Committee.

**Reason, including referenced documents/acts, for proposed change:**

(2.8.7) The council tax, business rates and housing benefit systems adequately record all transactions that are approved for write off and so the keeping of a register is a duplication of effort that is not required.

D5.9 (a) Adding where companies have been dissolved to clarify a position where there are no assets for liquidators etc to administer and the debt is non recoverable.

(b) Replace SMT with directors and Chief Executive (This was the previous make up of SMT when the regs were drafted). Increase the write off limits as these have not been reviewed for many years. P&R briefly discussed this issue when I last reported write offs as by the time I bring a debt to committee for write off there is no chance of debt recovery as the team have done everything that they can to try and recover funds for the council.

A general request for all references to Strategic Management Team within the constitution that relate to the previous make up of that group are replaced with the relevant senior Management Team to ensure that the correct management team group is documented.

**Timescale:**

asap