

Report of the Head of Governance

FULL COUNCIL 23 NOVEMBER 2023

UPDATES AND AMENDMENTS TO THE COUNCIL'S CONSTITUTION

1. Purpose of the Report

- 1.1 To seek full Council's approval for a number of constitutional updates and amendments.

2. Background

- 2.1 Under section 9P of the Local Government Act 2000 (LGA 2000) the Council is under a duty to prepare and keep up to date a Constitution. Section 9P of the LGA 2000 states that the Constitution must contain:

- The standing orders/procedure rules;
- The Members' Code of Conduct;
- Such information as the Secretary of State may direct;
- Such other information (if any) as the Council considers appropriate.

- 2.2 Work has been undertaken to ensure that current officer delegations are accurate and content and legislative references up to date.

- 2.3 In tandem, a review of the Contract Procedure Rules has been undertaken and amendments are scheduled to be presented to the Audit and Governance Committee on 22 November 2023 in advance of full Council on 1 February 2024. Any changes agreed will need to be reflected in the Constitution.

3. Summary of proposed constitutional amendments

- 3.1 Full details of the amendments proposed can be seen at appendices A-F and are summarised below at paragraphs 3.2 – 3.10.

- 3.2 Overview and main provisions of the constitution (Appendix A)

- Removal of Cabinet portfolio responsibilities as duplicated in Part 2
- Clearer definition of 'inevitable spend'
- Update of officer contacts

- 3.3 Part 1 Terms of reference and delegations of full Council regulatory boards and committees (Appendix B)

- Update of officer delegations
- Update of legislative references
- Clearer definition of 'inevitable spend'
- Move officer decision recording procedure from the Constitution to a supporting documents folder

3.4 Part 3 Responsibility for Executive Functions Officer Delegations (Appendix C)

- Update of officer delegations
- Update of legislative references
- Remove officer decision recording procedure from the Constitution to a supporting documents folder (duplication with Part 1)

3.5 Definition of key decisions and process of Forward Plan (Appendix D)

- Clearer definition of 'inevitable spend'
- Process update

3.6 Move Outline of the Decision Making Process (internal reporting process guide) from the Constitution to a supporting documents folder

3.7 Remove Barnsley Plan, 2016 and Barnsley Health and Wellbeing Strategy 2021 from the Constitution

3.8 Updated external and internal audit arrangements (Appendix E)

3.9 Updated Risk Management Framework (Appendix F)

4. Legal & Risk Implications

4.1 Section 9P of the Local Government Act 2000, every local authority is under a duty to prepare and keep up to date its Constitution. This review and the development of a review programme will help to ensure that these legal requirements are met.

5. Recommendations

5.1 That full Council approve the constitutional amendments set out at Appendices A - D.

6. Appendices

- Appendix A - Overview and main provisions of the constitution
- Appendix B - Part 1 Terms of reference and delegations of full Council regulatory boards and committees
- Appendix C - Part 3 Responsibility for Executive Functions Officer Delegations
- Appendix D - Definition of key decisions and process of Forward Plan
- Appendix E - Updated external and internal audit arrangements
- Appendix F - Updated Risk Management Framework

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