

SIGNED OFF BY	Managing Director and Head of Paid Service
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TO	Council
DATE	1 st December 2022
EXECUTIVE MEMBER	Leader of the Council

KEY DECISION REQUIRED	N
WARDS AFFECTED	(All Wards);

SUBJECT	Report of the Monitoring Officer on a Review of the Council's Constitution.
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RECOMMENDATIONS
(i) That the changes to the Constitution set out in Annex 1 be approved.
REASONS FOR RECOMMENDATIONS
An updated Constitution provides certainty of officer decision making roles and responsibilities.
EXECUTIVE SUMMARY
This report enables the administrative updating of the Constitution, including any recent legislative and regulatory requirements.
The above recommendations may be approved by Full Council.

STATUTORY POWERS
1. Express powers of delegation are found in sections 101-102 of the Local Government Act 1972 and, in relation to executive functions, in sections 9E-9EB of the Local Government Act 2000. Local authority schemes of delegation are published pursuant to section 100G of the 1972 Act.

2. A local authority is under a duty to prepare and keep up to date its Constitution under s.9P Local Government Act 2000 as amended.

BACKGROUND

3. Organisational and regulatory change impacts on the Council's constitution, requiring frequent review and adjustment to ensure that it is maintained, and offers certainty to Members, Officers and the Public.

KEY INFORMATION

Review and Revision of the Constitution

4. Article 15 of the Constitution sets out that changes to the Constitution will only be approved by the Full Council (by way of recommendation or direct report), subject to the Monitoring Officer agreeing with the proposed changes.
5. The Monitoring Officer led and facilitated the review and agrees with the proposed changes.
6. Accessibility has been achieved through adopting a modern and corporate style, ensuring the format meets website accessibility standards, publishing on the Council's website in easy-to-use sections and embedding hyperlinks throughout the document to enable efficient and quick navigation

Incorporating Changes in the Constitution

7. Provision 13.3.1 of the Constitution states that the Monitoring Officer will maintain an up-to-date version of the Constitution.

LEGAL IMPLICATIONS

8. This report enables the discharge of the statutory duty to maintain the Constitution of the Council. Certainty of decision-making roles is fundamental to good governance.

FINANCIAL IMPLICATIONS

9. No financial implications

EQUALITIES IMPLICATIONS

10. Equality Objective 4 2020-2025 sets out that "*equality considerations are clearly presented as part of the Council's formal decision-making process*" – the Constitution enables the Head of Corporate Policy to oversee the manifestation of the Equality Objectives throughout the decision-making process.

COMMUNICATION IMPLICATIONS

11. The changes, if adopted will be formatted as necessary into the Constitution and published on the Council's website.

RISK MANAGEMENT CONSIDERATIONS

12. Strategic Risk 4, *Organisational Capacity and Culture*, will, in part, be mitigated by an updated Constitution.

CONSULTATION

13. Management Team, Heads of Service, Corporate Governance Group (CGG) and the Governance Task Group (GTG) were consulted during the review.

POLICY FRAMEWORK

14. The *Organisation Priority* of the Corporate Plan '*Reigate and Banstead 2020 - 2025*' sets out that the Council will operate in an efficient and rigorous way, make the best use of its assets, and consider commercial opportunities. The updated Constitution provides efficiency and certainty of decision-making roles and responsibilities in the delivery of the Corporate Plan Objectives.

BACKGROUND PAPERS

15. The Constitution of the Council ([here](#)).

16. Part 3b Scheme of delegation, Part 4 (Financial Procedure Rules 6 and 7) referencing changes proposed by CFO and Heads of Services in fuller detail.

ANNEXES

1. Annex 1 Table: Summary of proposed changes.

ANNEX 1: Summary of Changes to the Constitution, as recommended by the Monitoring Officer

	Paragraph or Section of the Constitution	Subject	Change Proposed	Reason for change
1.	Whole Documents	Chief Executive (CE)	Delete references and replace with Managing Director	Senior management restructure
2.	Whole Document	Head of Paid Service (HOPS)	Review use of term to ensure accuracy and consistency.	There are numerous errors or inaccuracies in the document.
Changes proposed by CFO				
3.	Part 3b Officer scheme of delegation Paragraph 1.18	Local Audit and Accountability Act 2014	Deletion of words "for 2018/19 and beyond"	Correction.

	Paragraph or Section of the Constitution	Subject	Change Proposed	Reason for change
4.	Part 3b Officer scheme of delegation Paragraph 2.4	Applications of discretionary rate relief (recreational organisations)	Consultation required with EM with responsibility for Finance “and CFO”	Correction to improve consultation process.
5.	Part 3b Officer scheme of delegation Paragraph 2.11	Expenditure in relation to a civil emergency	Delegated Officer – replace “CFO” with “HOPS” Consultation required with – add “CFO”	Correction to improve delegated function and consultation process.
6.	Part 3b Officer scheme of delegation Paragraph 2.12	Authority to spend total budget	Change to the Note to include “Policy and Budget Framework”	Clarification, widens what is required to be considered when exercising this delegation

	Paragraph or Section of the Constitution	Subject	Change Proposed	Reason for change
7.	Part 3b Officer scheme of delegation Paragraph 2.17-2.19	Local Government and Housing Act 1989	Consultation required with – change to HOPS (para 2.17) or delete requirement (paras 2.18- 2.19)	Correction
8.	Part 3b Officer scheme of delegation Paragraph 2.24	Charity Commission – submission of annual trustee reports and accounts	Delegated officer – MO and CFO Consultation required with – remove “MO”	Correction to improve delegated function and governance.
9.	Part 3b Officer scheme of delegation Paragraph 2.25-2.26	S106 obligations and earmarked reserves	Changes to delegated officer and consultation requirements New delegation – 2.26 (reserves)	Correction/improve governance

	Paragraph or Section of the Constitution	Subject	Change Proposed	Reason for change
10	Part 3b Officer scheme of delegation Paragraph 2.27	Earmarked reserves	Delete words “Corporate Plan Delivery Fund”	Clarification
11.	Part 3b Officer scheme of delegation Paragraph 3.9	Voluntary sector support – rental grant subsidy	Added requirement to consult with CFO	Correction, improves governance.
12.	Part 3b Officer scheme of delegation Paragraph 3.11	Land & Property – exemptions from charges	Replace “Facilities” with “Property”	Correction

	Paragraph or Section of the Constitution	Subject	Change Proposed	Reason for change
13.	Part 3b Officer scheme of delegation Paragraph 5.3	Applications for advances for house purchases	Add requirement to consult with CFO	Improve governance
14.	Part 3b Officer scheme of delegation Paragraph 6.16	To negotiate and conclude pay award	Replace "Director" with "HOPS" and widen consultation requirement to include Finance	Correction

	Paragraph or Section of the Constitution	Subject	Change Proposed	Reason for change
15	Part 4 Procedure Rule 7 – Financial Procedure Rules	TREATMENT OF YEAR END REVENUE BUDGET CARRY-FORWARDS REVENUE BUDGET RESERVES INCOME COLLECTION AND DEBT MANAGEMENT WRITE OFF PROCEDURES FOR BAD DEBTS SCHEME FOR AMENDMENTS OF THE REVENUE BUDGET	Paragraphs 12.6, 13.10, 26.2, Annex 1 (para 1.3), Annex 3 (para 1.4-1.6)	Clarifications, correction of omissions, to improve consistency with other FPR's
16	Procedure Rule 6 – Policy Framework and Budget	Procedure Rule 6 – Policy Framework and Budget	Paragraphs 6.2.18,	Typographical
Changes proposed by Head of Service, Planning				

	Paragraph or Section of the Constitution	Subject	Change Proposed	Reason for change
17.	Part 3b Officer scheme of delegation Paragraph 7.21-7.22	Community Infrastructure Levy	Use of up to 10% of the CIL strategic element	Improve the CIL process in advance of the new 2023-2027 CIL SIP
Changes proposed by Head of Service, Housing				
18.	Part 3b Officer scheme of delegation Paragraph 5.7	Housing Transfer Register	Deletion	Duplication of paragraph 5.6
19.	Part 3b Officer scheme of delegation Paragraph 5.62 (new)	Government affordable Housing Schemes	New delegation	The new delegation is to enable the Council to respond to and operate Government initiated affordable housing schemes such as First Homes in an affective and timely manner.

	Paragraph or Section of the Constitution	Subject	Change Proposed	Reason for change
20.	Part 3b Officer scheme of delegation Paragraph 5.63 (new)	Homelessness Prevention Grant	New delegation	The new delegation is to enable the Head of Service to use the Homelessness Prevention Grant to respond promptly to homelessness in the borough through the development of projects, initiatives or activities within the rules imposed by the grant.