

# CONSTITUTION COMMITTEE

## AGENDA



**8 July 2024**

**At 2.00 p.m.**

**Committee Room "C",  
Civic Centre, Hartlepool.**

CONSTITUTION COMMITTEE:

Councillors Bailey-Fleet, Boddy, Buchan, Dodds, Harrison, Little, Male, Thompson and 1 Vacancy.

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. MINUTES**
  - 3.1 To confirm the minutes of the meeting held on.14 May 2024
- 4. ITEMS REQUIRING DECISION**
  - 4.1 Periodic Review of the Council's Constitution (*Monitoring Officer/Director of Legal, Governance and Human Resources*)
- 5. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**

#### CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

In the event of a fire alarm or a bomb alarm, please leave by the nearest emergency exit as directed by Council Officers. A Fire Alarm is a continuous ringing. A Bomb Alarm is a continuous tone. The Assembly Point for everyone is Victory Square by the Cenotaph. If the meeting has to be evacuated, please proceed to the Assembly Point so that you can be safely accounted for.

# CONSTITUTION COMMITTEE

## MINUTES AND DECISION RECORD

14 MAY 2024

The meeting commenced at 4.00 p.m. in the Civic Centre, Hartlepool

### **Present:**

Councillors: Dodds, Hall, Harrison and Little

Officers: Denise McGuckin, Managing Director  
Hayley Martin, Director of Legal, Governance and Human Resources.  
Amanda Whitaker, Legal and Democratic Services Team Manager

### **10. Apologies for Absence**

Councillor Lindridge, Moore and Young

### **11. Declarations of interest by Members**

None

### **12. Minutes**

The minutes of the meeting of the Committee, held on 13 November 2023 were confirmed.

### **13. Periodic Review of the Council's Constitution – Update** *(Monitoring Officer)*

The Committee considered proposed changes to Part 3 of the Constitution. The functions currently the responsibility of the Economic Growth and Regeneration Committee were set out in the report. It was proposed to move the following functions from the Finance and Policy Committee to additional functions of the Economic Growth and Regeneration Committee:

- Communications and Marketing
- Strategic Procurement
- Capital Programme Delivery and Monitoring
- Estates and Asset Management
- Business Growth and Engagement

- Approval of any Grant Aided Schemes related to Economic Growth and Regeneration
- To receive and examine quarterly reports on the monitoring and outcome of contract letting procedures, including outputs, values, value for money considerations and performance (incorporating if necessary, provider comparative analysis) where lowest/highest price is not payable/receivable

Furthermore, it was proposed that the following functions be moved also from Adult and Community Based Services Committee to the Economic Growth and Regeneration Committee:

- Culture and Events
- Learning and Skills

Members discussed further proposals for immediate change to the Constitution to be considered by Full Council as follows:-

Article 6 – 6.2 (e) to be amended to delete reference to the Leader of the Council chairing the Safer Hartlepool Partnership.

Part 3 to be amended to co-opt a parish representative, from each of the Parish Councils, as a non-voting member on each of the Policy Committees.

Following concerns expressed by a member regarding moving the listed functions from the Adult and Community Based Services Committee to the Economic Growth and Regeneration Committee, it was clarified that there would be no change with regard to officer responsibilities.

### **Decision**

The Committee recommended that Full Council agree the following:-

- (i) Update Part 3 of the Constitution to reflect the proposed changes to the functions of the Economic Growth and Regeneration Committee as set out above.
- (ii) Amend Article 6 to delete reference to the Leader of the Council chairing the Safer Hartlepool Partnership
- (iii) Amend Part 3 to co-opt a parish representative, from each of the Parish Councils, as a non-voting member on each of the Policy Committees.

The meeting concluded at 4.10 p.m.

CHAIR

# CONSTITUTION COMMITTEE

8 July 2024



**Report of:** Monitoring Officer/Director of Legal, Governance and Human Resources

**Subject:** PERIODIC REVIEW OF THE COUNCIL'S CONSTITUTION

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## 1. PURPOSE OF REPORT

To review and consider changes to the Constitution prior to consideration of the changes by Council on 10 July 2024.

## 2. BACKGROUND

The Council's Constitution at Article 14 ("Review and Revision of the Constitution") requires that the Monitoring Officer "will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect."

This report sets out details of issues which have been referred to the Committee for consideration since the last meeting of the Committee.

## 3. PROPOSALS

### 3.1 Local Joint Consultative Committee (LJCC)

A Member has requested a review of the remit of the LJCC.

The Constitution currently states that:

*The Local Joint Consultative Committee comprising 7 Members of the Council and to include only those Members who are not Members of the Finance and Policy Committee. The function is to resolve disputes where there is a formal failure to agree between the Authority and the Trade Unions. This will enable the views of members to be considered and make recommendations to be referred to Finance and Policy Committee for decision.*

**Members are asked to consider any changes to the LJCC.**

3.2 Personnel Sub-Committee

The Personnel Sub-Committee is a Sub-Committee of the Audit and Governance Committee. The Sub-Committee is made up of 3 Elected Members who are appointed by the Audit and Governance Committee. The responsibilities of the Sub-Committee is set out in the Constitution as follows:-

<p>Power to consider and determine:</p> <ul style="list-style-type: none"> <li>• Appeals against dismissal</li> <li>• Appeals arising out of Departmental staffing reviews and/or re-structures</li> <li>• Grievances at the final internal stage</li> <li>• Home to School Transport Appeals.</li> </ul>
<p>Functions relating to local government pensions, etc. relating to the determination of individual cases excluding those relating to individual early retirement.</p>

**It has been suggested that the membership of the meeting be increased to 5 members and that the meeting be renamed an ‘Appeals Committee’ – Members views are sought**

3.3 Forward Plan

The Committee will be aware that the Forward Plan is a document that sets out information about 'key decisions' that Council, a Policy Committee, Sub-Committee, Officers or joint arrangements will make. Forward Plans are prepared to cover a rolling period of four months, beginning with the first day of any month. They are prepared on a bi-monthly basis and subsequent plans will cover a period beginning with the first working day of the second month covered in the preceding plan.

**It has been proposed that the requirement to publish a Forward Plan is removed from the Constitution and be replaced by an internal document that will be circulated to all Members and Directors. Members views are sought**

3.4 – Grant Funding

Section 11.3 of the Articles of Constitution sets out key decisions of the council, but also covers the circumstances when a decision is not defined as key. In relation to government grants, the following paragraph is in place as an exclusion for key decisions:

“Expenditure which is inevitable as a result of the Government providing a Section 31 grant (‘New Burden’ Funding) to help fund the impact of specific legislative

commitments where there is no in year cost, or future commitment for the General Fund. Details of any Section 31 grants and the commitments which need to be funded will be reported to the Finance and Policy Committee and the relevant Policy Committee as soon as is reasonably practicable thereafter.”

The council receives numerous Section 31 grants throughout the course of each financial year. These grants have varying purposes and indeed values. It is not considered practical to explicitly report each award to Finance and Policy and the relevant policy committee, and as such it is proposed to remove the final sentence:

“Expenditure which is inevitable as a result of the Government providing a Section 31 grant (‘New Burden’ Funding) to help fund the impact of specific legislative commitments where there is no in year cost, or future commitment for the General Fund.”

Furthermore there are occasions whereby grant is awarded to the council with flexibility as to spend, within a broader purpose. Such grants can require member sign off to ensure compliance with grant conditions or ministerial requirements. In order to delegate appropriate responsibility to policy committees it is proposed that each policy committee will be given authority to determine use of specific grant funds, relating to that committee, when the conditions of grant explicitly require such a member decision. The following wording is proposed to be added against each policy committee;

“Determination of usage, and oversight of grant funding in relation to grants that fall within the policy committees remit, where required under the conditions of grant”

## **14. RECOMMENDATIONS**

- 14.1 That the Committee consider the report and formulates its recommendations for submission to Full Council

## **15. REASONS FOR RECOMMENDATIONS**

- 15.1 It is the responsibility of the Monitoring Officer to monitor the Constitution to ensure that the aims and principles of the Constitution are given full effect.

## **16. BACKGROUND PAPERS**

Hartlepool Borough Council’s Constitution

## **17. CONTACT OFFICERS**

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