

Report sponsor: Monitoring Officer
Report author: Head of Democracy

Constitutional Amendments

Purpose

- 1.1 This report seeks to make alterations to the Council Constitution arising from the change to whole Council elections and the adoption of a revised warding pattern for Derby City Council, following the adoption of the recommendations of the Local Government Boundary Commission for England (LGBCE).
- 1.3 The proposed amendments are intended to ensure the existing Constitution remains accurate, pending the future implementation of the Constitutional Review commissioned by the Council in July 2022.

Recommendations

- 2.1 To note the progress of the Constitutional Review.
- 2.2 To request that the Monitoring Officer seek nominations to the Constitutional Review Working Group, following the retirement of several members at the May 2023 elections.
- 2.3 To delegate authority to the Monitoring Officer to make interim amendments to the Council Constitution as detailed at paragraph 4.4, to reflect recent changes to the composition of the Council.
- 2.4 To request that the Council Cabinet alter the allocation of devolved neighbourhood funding to account for creation of two member-wards, as detailed at paragraphs 4.5 to 4.7.

Reasons

- 3.1 To ensure the Constitution remains accurate following the whole Council elections held on 4 May 2023 and the adoption of a new warding pattern for Derby City Council.
- 3.2 To allow councillors in newly created two-member wards fair and equitable access to devolved neighbourhood funding.

Supporting information

- 4.1 The Council agreed to undertake a Constitutional Review in July 2022 and has since commissioned the Centre for Governance and Scrutiny (CFGs) to carry out a consultation exercise with elected members and officers to determine areas for

improvement and modernisation.

- 4.2 The initial report of the CFGS was received in March 2023 following a series of meetings and workshops with councillors and senior officers; work is ongoing to prepare a revised Constitution that reflects the recommendations. The draft Constitution will initially be considered by the previously established Constitutional Review Working Group, before being presented to the Full Council for approval.
- 4.3 Pending the implementation of the Constitutional Review, several areas of the existing Constitution require updating as they reference elections by thirds and the previous warding pattern of the Council. Recommendation 2.3 seeks delegated authority to amend the Constitution as detailed below.

4.4 **Part 1 – Summary and Explanation**

- **Remove:** reference to 17 three-member wards and election by thirds (p2)
- **Add:** reference to 18 wards, a split warding pattern and whole Council elections (p2)

Part 2 – Articles of the Constitution: Article 2 – Members of the Council

- **Remove:** reference to three councillor wards (2.1)
 - **Remove:** reference to the previous warding pattern (2.1)
 - **Remove:** reference to election by thirds (2.2)
 - **Add:** reference to a split warding pattern (2.1)
 - **Add:** reference to the newly adopted warding pattern (2.1)
 - **Add:** reference to whole council elections (2.2)
- 4.5 The Council allocates £255,000 annually for priorities identified within each ward, identified by the Neighbourhood Board and approved by a Ward Committee of councillors. Previously, funding has been split equally across 17 three-member wards, equating to £15,000 per ward.
- 4.6 Following the adoption of the recommendations of the LGBCE, the Council now has 15 three-member wards and three two-member wards. It is therefore recommended that each three-member ward continues to receive £15,000 per year in delegated funding, whilst two member wards receive £10,000 per year (equating to £5,000 per annum, per councillor).
- 4.7 Based on feedback from elected members, the CFGS has suggested altering the governance arrangements relating to devolved neighbourhood funding, recommending that greater autonomy is provided to individual councillors rather than the Ward Committee. Applications for use of devolved funding will continue to require the approval of the Ward Committee, pending a wider review of Locality Working that will seek to streamline the structure of Neighbourhood Boards, Forums and Ward Committees. This will be presented as part of a further report to be considered by the Council Cabinet and Full Council as appropriate in due course.

Public/stakeholder engagement

- 5.1 The Constitutional Review and review of locality working is subject to ongoing consultation with the Constitutional Review Working group and lead executive members.

Other options

- 6.1 To defer updates to the Constitution until the implementation of the Constitutional Review. This was discounted as it would result in the current Constitution remaining inaccurate.

Financial and value for money issues

- 7.1 None directly arising. The overall budget for devolved neighbourhood funding would remain the same, pro-rated to £5,000 per annum, per councillor, per ward.

Legal implications

- 8.1 Section 37 of the Local Government Act 2000 requires the Council to prepare and keep up to date a Constitution containing a copy of the authority's standing orders, a copy of the authority's Code of Conduct and such other information as the authority considers appropriate.

Climate implications

- 9.1 None directly arising

Socio-Economic implications

- 10.1 None directly arising.

Other significant implications

- 11.1 None directly arising.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	Janice Hadfield, Head of Finance	
Finance	Sam Dennis, Director of Communities	12/05/2023
Service Director(s)	Emily Feenan, Director of Corporate Governance,	14/05/2023
Report sponsor	Property and Procurement and Monitoring Officer.	
Other(s)	Charles Edwards, Head of Community Safety and Locality Working	15/05/2023

Background papers:	None
List of appendices:	None