

Council/Committee:	Full Council
Report Title	Adoption of new Council Constitution
Date of Meeting	13 May 2025
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Wards Affected	All
Appendices (if any)	1. Summary list of Constitution sections 2. Draft Model Constitution for adoption

1. Executive Summary

- 1.1 This report recommends Full Council adopt the new Council Constitution arrangements appended to this report following a comprehensive review programme overseen by the Governance and Constitution Review Committee.

2. Recommendations

For the reasons set out in the report, it is recommended that Full Council:

- 2.1 Endorse the approach adopted by the Monitoring Officer to develop a new Constitution for the Council undertaken in partnership with Elected Members and Officers;
- 2.2 Approve the adoption of the new model Constitution structure and sections appended to this report with immediate effect;
- 2.3 Approve the continuation of existing arrangements relating to scrutiny structure and procedures, contracts, procurement and financial procedure rules and employee appointment / conduct as specified in the appendices to this report until such time as new arrangements are submitted to Full Council for adoption aligned with the approach and timelines set out in the report; and

- 2.4 Delegate authority to the Monitoring Officer to make and apply any minor consequential changes to ensure the consistency and accuracy of the revisions.

3. Proposals – Reasons for the recommendations

- 3.1 This report introduces a new model Constitution for Sandwell Council and sets out the required Member approval steps for its adoption at the Annual Council in May 2025.
- 3.2 Procedural rules and arrangements relating to officer employment procedure rules, contracts, finance, and procurement are subject to internal Officer consultation and review to ensure alignment with sector best practice and reflect integration of Oracle Fusion; those sections will proceed to Full Council in due course.
- 3.3 Scrutiny arrangements will be subject to review through externally facilitated workshops in June / July – any resultant changes will be reflected in a further report to Full Council in October 2025 for adoption.

Background

- 3.4 The Council is required to have a Constitution. The main functions of a Constitution are to set out clearly:
 - 3.4.1 who makes decisions;
 - 3.4.2 how those decisions are made;
 - 3.4.3 the checks and balances on decision making; and
 - 3.4.4 the governance and ethical framework.
- 3.5 The Monitoring Officer submitted initial proposals in February / March 2024 for a new model Constitution. Those proposals set out a review approach based on transparency and agility of decision making, innovation, openness to challenge and involvement of all stakeholders, aligned with the strategic vision of the Council.
- 3.6 The timescale for this process was ambitious but necessary, setting a target of May 2025 to conclude most of this work. This requirement was essential – and the Council has clear stated objectives to be brilliant at the basics and become an outstanding Council.
- 3.7 The Constitution and associated governance frameworks provide the foundation on which this will be assured and therefore transformation was essential. This report and the accompanying new model Constitution delivers on that objective.

Review Process

- 3.8 The review process has been comprehensive, comprising:
 - 3.8.1 Legal and technical review of existing arrangements.
 - 3.8.2 Feedback collation from internal and external reports, assessment of effectiveness of statutory intervention.

- 3.8.3 Executive Director and Officer feedback on existing arrangements – what works well or does not.
 - 3.8.4 Member feedback on existing arrangements – what works well or does not.
 - 3.8.5 Comparison with arrangements in regional and peer authorities.
- 3.9 A detailed project and action plan was prepared, establishing the priorities for review and redraft and the associated timescales. This culminated in a report to the Governance and Constitution Review Committee in December 2024. At that meeting, the Committee established a cross-party working group which has been meeting on an intensive cycle since to consider and comment on each new section of the Constitution.
- 3.10 Member and Officer engagement to date has been integral: new sections have a consistent form and style. The content aligns to best practice and lessons from how the Council has worked and its future aspirations. Members across all groups have provided clear, constructive feedback.

Outcomes – A New Constitutional Structure

- 3.11 The new model Constitution now has a simple four-part structure:
- 3.11.1 Part 1 – Introduction;
 - 3.11.2 Part 2 – Decision Making and Decision-makers;
 - 3.11.3 Part 3 – Scrutiny and Open Government; and
 - 3.11.4 Part 4 – Governance and Ethics.
- 3.12 Appendix 1 sets out all the sections of the new model Constitution, their status and, if further work required, dates for when these will be completed. Appendix 2 comprises a copy of all sections that have been drafted, reviewed by Members and approved to proceed to Full Council for adoption.
- 3.13 Part 1 sets the scene and approach, with a high level plain English account of how the Council works, its key structures, roles and responsibilities. A comprehensive glossary has then been included – certain technical terms are legally required to be used so care has been taken to provide clear explanation.
- 3.14 Part 2 modernises the Council’s decision-making arrangements for the Council’s decision making with focus on clarity, simplicity, and openness in respect of:
- 3.14.1 Full Council and Council meetings;
 - 3.14.2 The Leader and Cabinet;
 - 3.14.3 Committees and committee meetings; and
 - Officers roles and delegations to Officers

- 3.15 Sub-sections within Part 2 each contains all the rules relating to that body. It should be noted that the Leader will agree the key decision threshold as well as the scheme of delegation of powers to the Cabinet, individual Cabinet Members and any Cabinet Committees (one is presently proposed - Companies Governance and Shareholder Committee, and a Petitions Oversight Committee will be established in the next quarter to oversee the effectiveness of future petitions arrangements). The Leader will also agree the Scheme of Delegation to Officers so far as it relates to Executive Functions.
- 3.16 The revised Part 3 pulls together the main checks and balances on decision makers as well as the rules on open governance and transparency so they can be easily accessed by Members, Officers and the public. These include
- 3.16.1 Updated arrangements for Overview and Scrutiny with a new Scrutiny Protocol developed in consultation with Elected Members to provide guidance on scrutiny in practice. These will be co-developed through upcoming Member workshops that will be externally facilitated;
 - 3.16.2 Open government provisions including greater profile and clarity on the rules for access to meetings and to reports; and
 - 3.16.3 A description of Citizens' rights and Elected Members' additional rights of access to information held by the Council.
- 3.17 Finally, Part 4 includes the Council's rules relating to the governance of its business and rules of conduct. New draft model sections have been prepared for Contracts and Procurement Procedure Rules and Financial Procedure Rules – these will be subject to extensive review by colleagues in finance, legal, procurement and audit to ensure these are fit for purpose and fully align with the requirements of the Executive Director for Finance and Transformation.

Limited carry forward of existing arrangements

- 3.18 Several sections of the Constitution will carry forward existing arrangements whilst those sections are subject to review and internal stakeholder consultation: these will be adopted through further reports to Full Council in July and September 2025 respectively. Details of these sections and their review timescales are set out in Appendix 1 to this report.

Accessibility

- 3.19 The Constitution by its nature has a level of complexity that reflects the statutory rules necessary to govern a large metropolitan borough such as Sandwell. The Constitution must comply with the Public Sector bodies (Websites and Mobile Applications) Accessibility Regulations 2018 which require that all documents be accessible to everyone.
- 3.20 The Constitution is only useful if it can be easily accessed, understood, used in practice and improves the Council's governance culture. The Monitoring Officer has adopted a drafting approach aiming to achieve the following objectives:
- 3.20.1 A plain English style where possible.
 - 3.20.2 Explanatory notes at the start of each section.

- 3.20.3 A logical, simplified structure bringing together all the rules about a single body, such as Full Council, into a single section of the Constitution.
- 3.20.4 Greater accessibility and searchability and “searchable” to those who will use it (Members and Officers) and those who wish to understand the Council’s decision making, including the public.

Next steps

- 3.21 Should Full Council adopt the new Constitution, it will be available on the Council’s website. Legal Services, Democratic Services and ICT Services will then look to create an online version of the new Constitution that is easily searchable but also with further explanatory, plain English guidance and graphics. A further paper will be brought to Committee in the coming months setting out these options.
- 3.22 A summary short form plain English guide will be produced: aligned with emergent Council procedures on the use of Artificial Intelligence Tools (AI), AI will be used to support this process and feedback provided on its effectiveness.
- 3.23 Training on ethics, governance and Committee skills are addressed within the new Member Development Strategy, programme and emergent proposals for the induction in May 2026; work will continue at pace to ensure these are comprehensive, ambitious and effective.
- 3.24 Finally, the Monitoring Officer will continue to work with Members and Officers develop and publish further non-Constitutional guidance about governance matters to assist Members and Officers but also promote transparency. This will further enhance improvements to the Council’s governance and efficiency of operation, supporting our journey toward becoming an outstanding Council that is brilliant at the basics.
- 3.25 The new arrangements will be incorporated into the existing Member Development Programme and reflected in induction arrangements from May 2026 (taking account of the fourth year of the electoral cycle in 2025 when no local elections will take place). A comprehensive programme of training and awareness will be developed for the Council’s Officers.
- 3.26 The Council’s website will also be used to promote awareness of the openness of the Council’s new culture and decision-making processes with a view to greater public engagement and involvement in and oversight of the Council’s decisions.

4. Alternative Options Considered

4.1 **Option 1 – Undertake a comprehensive review and refresh of the Constitution.** This option ensures all sections are reviewed and updated to ensure consistency and accuracy allowing greater clarity in structure and content to be applied. This option is delivered through this report.

4.2 **Option 2 - Continue to update individual sections of the Constitution.** This reflects historic practices within the Council over several years and has resulted in a complicated and at times inconsistent Constitution which does not offer clarity or assurance. This option was therefore dismissed.

4.3 **Option 3 - Not to update the Constitution.** The Council is obligated to continuously review its governance and decision-making arrangements in response to ongoing changes to legislation and regulations. This option was therefore dismissed.

5. Consultation

5.1 The approach set out in the report and review programme is founded on continued consultation and engagement with key stakeholders including elected Members and Officers.

5.2 Feedback gathered through internal approval processes and facilitated workshops for key elements of the Constitution review has and will continue to shape content put forward to Members for consideration and approval.

6. Financial Implications

6.1 There are no direct financial implications to this report. Any future training and awareness will be delivered through existing budgets.

7. Legal and Governance Implications

7.1 The Council is required to adopt a Constitution under s.9P of the Local Government Act 2000 (as amended). Best practice is to continuously review arrangements to ensure these are fit for purpose, clear and effective.

8. Risks

8.1 The effectiveness of the existing Constitution is limited by its form and content. Undertaking a comprehensive review in form, structure and content will ensure governance, decision-making and accountability frameworks are enhanced and subject to regular review.

9. Equality and Diversity Implications (including the public sector equality duty)

- 9.1 The report sets out how the new Constitution will improve accessibility and transparency. The Constitution's content is determined by statute, as described above. Proposals to amend the Constitution will be made at Committee meetings where the public can attend and, subject to Committee approval, can participate.

10. Other Relevant Implications

- 10.1 The proposed model for the Constitution is designed to assure effective governance arrangements operate across the Council as an organisation and will impact on the practices, processes and procedures for all aspects of decision-making.

11. Background Documents

- 11.1 Not applicable.

12. How does this deliver the objectives of the Strategic Themes?

- 12.1 This report will support the delivery of all the Council's Strategic Themes, comprising:
- Growing up in Sandwell
 - Living in Sandwell
 - Healthy in Sandwell
 - Thriving Economy in Sandwell
 - One Council One Team Approach.
- 12.2 Effective governance and decision-making provide the foundation from which the Council delivers and commissions all its services, and the processes by which quality, best value and accountability are ensured. An effective, clear Constitutional model will support delivery against all the strategic themes.