



---

## Chelmsford City Council Governance Committee

8 March 2023

---

### Proposed Amendments to the Constitution

---

#### Report by:

Legal and Democratic Services Manager

---

#### Officer Contact:

Lorraine Browne, Legal & Democratic Services Manager & Monitoring Officer, email: [lorraine.browne@chelmsford.gov.uk](mailto:lorraine.browne@chelmsford.gov.uk), tel: 01245 606560

---

#### Purpose

To consider the recommendations of the Constitution Working Group arising from its annual review of the City Council's Constitution.

#### Recommendations

That, subject to any views the Cabinet might have, the Council be recommended to approve:

1. The amendments to the Constitution detailed in Appendix 1 to this report;
- 

#### 1. Introduction

1.1. The Council's Constitution is reviewed annually to ensure that it remains complete, up to date and reflects current practice and legislation. Some Parts of the Constitution, such as the rules relating to meetings and officer delegations, are likely to need detailed review as they are more likely to be affected by changes to organisational practices and legislation. Other Parts only need periodic detailed examination as they tend not to change significantly over time.

- 1.2. The annual reviews are initiated by officers and their recommendations are submitted in the first instance to the Constitution Working Group. Its recommendations are then passed to the Governance Committee, the Cabinet (where appropriate) and finally Full Council.
- 1.3. The Governance Committee is asked to consider the following changes to the Constitution:
  - A minor change to working groups to clarify that attendance of non-working group councillors require permission from the Chair in the same way as any additional cabinet members.
  - Sealing arrangements – to streamline the administrative process by removing an additional requirement for members to witness the seal. This will mean that in future only officers will do so.
  - Minor changes to the Community Funding Scheme to add the Rural England Shared Prosperity Fund. This particular change simply enables decisions to be made in relation to this new fund.
- 1.4. The Mayoral Working Group was also consulted in relation to proposed changes to sealing further details of which are set out below.

## 2. Changes proposed – working group attendance

- 2.1. Working groups provide a less formal space for a small group of members to be consulted, explore and shape solutions with officers at an early stage before they are formally considered at relevant council meetings. There is no requirement for working groups to be politically balanced, but the Council has cross party membership in any event. Working group members often develop knowledge/expertise over the course of attendance. Reports and meetings are often prepared and conducted on an assumed level of knowledge. Working Groups do not take formal decisions and matters that arise are formally approved via other mechanisms, including where necessary at public meetings. Non-working group members do not have any automatic right to speak or to see working group reports in any event.
- 2.2. Custom and practice in the past has been to seek permission from the Chair when a non-working group member requests attendance. Such requests do not happen frequently. Whilst on most occasions permission may amount to no more than a courtesy to the chair, it is nonetheless helpful for exceptional cases that arise in practice. The proposal would also rectify an inconsistency in that an additional Cabinet Member needs permission from the chair in any event.

- 2.3. Most members of the Constitution working group were supportive of this change. One councillor expressed concern that the change would be undemocratic, overreaching and controlling in seeking to prevent representatives attending meetings. Other members of the working group highlighted the fact that working groups were supposed to be an informal meeting to discuss ideas with a small group of members before being agreed upon at formal meetings. It was noted that working groups were not a decision-making body and they had proved to be beneficial in developing ideas before considering them at formal meetings.

### 3. Sealing

- 3.1. There are a large number of property/contractual transactions, orders and other documents that must be made under seal. Legally, only one person is required to witness the seal. There are currently 4 senior officers that can do so and one of them is on site most working days.
- 3.2. The witnessing of the seal is an administrative task as legal staff undertake the necessary checking of the content of documents as well as ensure appropriate authority is in place prior to final agreed documents being prepared for sealing. Sealing usually occurs once or twice a week throughout the year. Some sealing can be predicted and planned in advance but this is not always the case in commercial transactions where negotiations are ongoing and greater agility in completing the transaction once this has occurred is expected.
- 3.3. Chelmsford added the Mayor (and in their absence Deputy Mayor) to the process some years ago. Over time, other authorities have tended to drop this practice and it is now unusual for this to remain. Where a constitution requires duplicate signatories (by having documents signed by both a member and also an officer) this becomes a constitutional requirement which must be fully complied with regardless of urgency or logistical issues that arise. Officer time is taken to co-ordinate routine sealing on a regular basis. Whilst the current and former Mayoralty members have always been gracious accommodating attendance at the civic centre to witness the seal, sometimes through no fault of those members there are logistical issues/delays to signing documents which delays the sealing process and impacts completion of a transaction.
- 3.4. It is proposed to streamline the process so that only one officer is required to witness the seal, thus alleviating the need to coordinate an additional signatory and increasing agility.
- 3.5. The Mayoral Working Group was consulted in relation to this and had divided views about this change. Some were happy with the change on the basis it is an administrative task that could conveniently be undertaken

by officers only and which would reduce staff time taken and increase the Council's operational agility. Others felt that the tradition of the Mayor or Deputy Mayor should be retained. It was acknowledged this is a ceremonial role rather than providing any added governance or assurance to the sealing of documents.

#### 4. Conclusion

- 4.1. The amendments to the Constitution arising from the latest review are limited in nature. All proposals will be referred to the Cabinet for its comments before being passed to Annual Council in May 2023.

#### List of Appendices

Appendix 1 – Proposed amendments

Background papers:

Nil

---

#### Corporate Implications

Legal/Constitutional: These are set out in the report

Financial: None

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: None

Risk Management: None

Equality and Diversity: None

Health and Safety: None

Digital: None

Other: None

---

Consultees: None

---

Relevant Policies and Strategies:

None

Appendix 1 – proposed changes to the constitution 2023

Item proposed for change	Current version (deletions in blue)	Proposed version (with additions highlighted)
<p>1. Working Groups</p> <p>Minor change to clarify that any non-working group member can only attend a working group meeting with permission with the Chair. This also better aligns the position with that of an “other Cabinet Member” referred to in paragraph 4.2.8A.2.</p>	<p>4.2.8A - WORKING GROUPS</p> <p>4.1.8A.1 - deals with creation of working groups (not reproduced in full)</p> <p>4.2.8A.2 The Cabinet Member whose portfolio is most closely associated with the general work of a Working Group shall be entitled to attend its meetings and speak at them. Other Cabinet Members may, with the permission of the Chair of the Working Group, attend and speak at its meetings if it is considering a matter relating to their portfolios.</p> <p>4.2.8A.3 Other members of the Council may attend working group meetings but are not entitled to speak.</p>	<p>4.2.8A.3 Other members of the Council may, with permission of the Chair of the Working Group attend working group meetings but are not entitled to speak.</p>

<p>2. Witnesses the affixing of the Council's seal</p> <p>Article 15 – to remove the requirement for the witnessing of the Council's seal to be undertaken by both an officer and a member (see background information included in report)</p>	<p>2.15.6 The Common Seal of the Council shall be kept secure by the Legal and Democratic Services Manager and shall be fixed as necessary to any official document of the Council. The Mayor or Deputy Mayor, Chair of the Governance Committee and the Chief Executive, the Director of Connected Chelmsford and the Legal and Democratic Services Manager, or such other person authorised by the Legal and Democratic Services Manager, shall witness the fixing of the seal to a document. The use of the seal shall be recorded in the Seal Register.</p>	<p>2.15.6 The Common Seal of the Council shall be kept secure by the Legal and Democratic Services Manager and shall be fixed as necessary to any official document of the Council. The Chief Executive, the Director of Connected Chelmsford and the Legal and Democratic Services Manager, or such other person authorised by the Legal and Democratic Services Manager, shall witness the fixing of the seal to a document. The use of the seal shall be recorded in the Seal Register.</p>
<p>3. Minor change to Chelmsford Community Funding Scheme terms of reference in paragraph 3.2.4 of the constitution</p> <p>The purpose of the change is to add the Rural England Prosperity Fund Grant Scheme. For ease of reference current paragraphs 1 and 4 have been combined. The key addition proposed is highlighted.</p>	<p>3.2.4. 1. To oversee the governance of Chelmsford's Community Funding Scheme, which includes the Neighbourhood Allocation of the Community Infrastructure Levy (CIL) in the nine unparished wards and the Council's Discretionary Corporate Grant Aid fund.</p> <p>2. no change</p> <p>3. no change</p> <p>4. To oversee the governance of the Greener Chelmsford Grant scheme and to make recommendations on spend to Cabinet and Council as appropriate</p>	<p>1. To oversee the governance of Chelmsford's Community Funding Scheme, which includes the Neighbourhood Allocation of the Community Infrastructure Levy in the nine unparished wards, the Greener Chelmsford Grant Scheme, the Discretionary Corporate Grant Aid scheme and the Rural England Prosperity Fund Grant Scheme. Appropriate recommendations on spend to Cabinet and Council are made as appropriate.</p>