

## REPORT TITLE: Review of new Constitutional Arrangements

**To:** Civic Affairs & Audit Committee (9 March 2026)

**Report by:**

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**Wards affected:**

None

Director Approval: Director Robert Pollock confirms that the report author has sought the advice of all appropriate colleagues and given due regard to that advice; that the equalities impacts and other implications of the recommended decisions have been assessed and accurately presented in the report; and that they are content for the report to be put to the Committee for consideration.

### 1. Recommendations

1.1 That the Civic Affairs and Audit Committee recommend to the Annual General Meeting (AGM) the following changes to the Constitution:

1. The updated member/officer protocol
2. Revised terms of reference for the Equalities Panel (Inclusion and Equity Panel)
3. The limited power for Cabinet to make supplementary estimates - additional revenue and capital expenditure up to a threshold.

That Civic Affairs and Audit Committee:

4. Notes that the Constitution should continue to be reviewed on a regular basis, and that any further updates will be presented to the committee.
5. Notes the draft meeting calendar and provides any feedback before final agreement at the AGM.

## **2. Purpose and reason for the report**

- 2.1 As part of the recommendations agreed in May 2025, the constitution was to be reviewed after nine months of the revised Leader/Cabinet arrangements. Officers have been monitoring the effectiveness of the constitution since it was introduced. This report contains several areas where improvements can be made to reflect best practice or to address omissions, which would be included in a report to the AGM in May.

## **3. Background and key issues**

### **3.1 Move to new governance model**

The new arrangements represent the first significant change to the Council's governance in more than twenty-five years. Upon adoption, the Council agreed that a review of the new constitutional arrangements would report after nine months; and that the constitution would continue to be reviewed on a regular basis, which had not previously been the case.

Cabinet Members and the Chairs of the Overview & Scrutiny Committees received support from the Leadership Centre<sup>1</sup> in preparation for and following the adoption of the new governance arrangements. This included facilitated sessions led by Mark Rogers (former CEO of Birmingham City Council and Solihull MBC), and tailored training and briefing for members and officers, including to promote effective scrutiny practice.

Overall, the transition to the new governance arrangements has proceeded relatively smoothly. Feedback has been broadly positive. As expected with any significant organisational change, some early uncertainty was experienced regarding remits, procedures and working relationships. The role of Overview & Scrutiny has developed positively as Members and officers have gained confidence operating in the new framework.

The establishment of two thematic Overview & Scrutiny Committees, each meeting on a quarterly cycle, introduced complexity into the coordination and forward planning of their

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<sup>1</sup> [Leadership Centre](#) a charity founded in 2004 with central government funding to support leadership in local government, other public sector bodies and VCSE organisations.

respective work programmes. In particular, the timing of meetings has made it more challenging to schedule pre-scrutiny of Cabinet decisions in a timely manner. This theme was raised during the initial months of implementation. In the new Municipal Year, the two meetings are proposed to meet in closer proximity (both meetings held in alternate weeks) to help feed into a Cabinet meeting a few weeks later.

During the Governance Design Review process, senior officers advised that a single Overview & Scrutiny Committee ('O&S') comprising 12–14 Members, meeting approximately eight times per year, would be the most effective scrutiny model. A single O&S provides greater flexibility to pre-scrutiny and forward planning and would be simpler for officers and members to engage with.

Oxford, Norwich, South Cambridgeshire and many other councils have a single O&S for these reasons. A single O&S is very likely to be the starting point for discussions about governance in a new unitary authority.

The Committee is therefore invited to provide comments on whether the option of moving to a single O&S should be considered in future. Member views will help inform improvement to constitutional arrangements as they are kept under reviewed.

### **3.2 Constitution in operation – Monitoring Officer views**

The Constitution has now been in operation for nine months. During that period, the revised governance arrangements have embedded well across the organisation. Members have engaged constructively with the updated processes and procedures, and there is clear evidence that the framework is operating as intended. Notably, during this period:

- the call-in procedure has been utilised by Members; and
- Extraordinary General Meetings (EGMs) have been requisitioned and convened in accordance with the constitutional provisions.

Both instances demonstrate that the mechanisms set out in the Constitution are accessible, clearly understood and capable of being operated effectively in practice. The ability of Members to invoke these procedures without procedural uncertainty illustrates the clarity and simplicity of the revised governance arrangements. As such the

constitution has functioned as designed.

The proposed amendments would introduce improvements informed by practical experience and modernise sections imported from the old constitution (Protocol) to reflect best practice (Supplementary Estimates) and to facilitate new ways of working (Equalities Panel).

### 3.3 **Protocol on Member / Officer Relations**

The core purpose of the Protocol is to set the ground rules for a professional, lawful, and effective working relationship between elected Members and paid officers. It is a 'code of standards' for members and officers to work together for residents and to support good governance.

When the constitution was revised in May 2025 there were two sections that were carried forward from the old constitution:

- Officer code of conduct
- Protocol on Member / Officer Relations

These are somewhat outdated and in need of modernisation. A review of The Officers' Code of Conduct will be taken forward by Hannah Ralph, AD People and Change, who has just joined the Council, in conjunction with the MO.

The updated Protocol on Member / Officer Relations and existing Protocol are attached at Annex A. The updated Protocol builds on the City Council's current Protocol and includes the latest guidance from the LGA as well as best practice from other councils.

The updated Protocol provides a clearer, operational framework for constructive and professional working relationships. It retains the core principles of political neutrality, mutual respect and clear separation of roles, and strengthens or provides greater clarity in several key areas:

- explicit reciprocal expectations for Members and officers based on LGA recommended principles, including Nolan principles.
- greater clarity on roles and boundaries: Members lead on policy, priorities, scrutiny, representation; officers provide impartial advice, deliver decisions and

manage day-to-day operations.

- protecting officer integrity and impartiality helps prevent undue influence, political partiality, or officers being placed under inappropriate pressure.
- earlier engagement of ward Members in matters affecting their wards
- clearer arrangements in relation to political group briefings
- modernised guidance on correspondence, electronic communications and media/publicity, and
- a more structured route for addressing concerns or resolving relationship breakdowns.

Adoption of the revised Protocol will support more consistent behaviour standards and clearer day-to-day working practices and should reduce avoidable friction by setting out predictable processes.

To embed the revised arrangements, it is proposed that the Council undertakes a short programme of implementation activity: briefings for Members and relevant officers; and update of the induction pack for new members, and 'Who Does What' to describe updated processes for handling Members' enquiries, which should now be dealt with within 5 working days rather than 7.

### 3.4 **Supplementary Estimates Process**

It is commonplace for councils operating a Leader and Cabinet model to include a supplementary estimates process within their constitution. Such a process allows the Cabinet to approve relatively small additional amounts of revenue and capital spend outside of the annual budget setting process.

The benefits of such a process are:

- It allows the council to operate in an agile and proportionate manner when new issues emerge which may require additional spending in-year.
- It allows the council to respond in the right way when new pressures emerge, being honest and transparent about additional resource requirement, rather than having to rely upon virements or the use of earmarked reserves which may impact

negatively upon other services.

- It protects valuable meeting time at Full Council, now limited by the 'guillotine', ensuring the Full Council meetings can focus on areas of greatest significance rather than non-material financial matters.

The use of Supplementary Estimates would provide additional and timely flexibility for the Council over the next two years as there will be new and unforeseen issues that will emerge during the process of Local Government Reorganisation.

Chelmsford City Council has supplementary estimate revenue limit per item of up to £1m; NW Leicestershire District Council, £250k; Wokingham BC up to £500k; South Oxfordshire DC up to £250k; Winchester City Council up to £500k; Newcastle under Lyme up to £1m revenue and £2m capital; Cheshire East Council up to £1m; Sefton MBC up to £1m.

It is therefore proposed by the S151, that a new supplementary estimates process be added to the constitution to allow Cabinet to approve additional revenue expenditure of up to **£250,000** per item, and additional capital expenditure of up to **£1 million** per item.

There would be guardrails in place to ensure that this power is used appropriately and transparently:

- The supplementary estimates process should be used only when there has been a change of circumstances since the budget was approved by Full Council.
- The supplementary estimates process cannot be used to approve spend which would be contrary to the council's Budget and Policy Framework (except to increase spend subject to the limits above).
- The supplementary estimates process cannot be used to override the Contract Procedure Rules, key decision requirements, or the Overview and Scrutiny Procedure Rules.
- Related proposals will be aggregated for the purposes of the limit above – there shall be no artificial disaggregation of proposals to avoid Full Council approval.
- A decision to approve a supplementary estimate must be taken at a meeting of the

Cabinet in the interests of transparency and accountability.

- All supplementary estimate approvals are subject to written confirmation from the Section 151 Officer that the proposal is affordable, all financial implications have been considered, and the correct process has been followed.
- All supplementary estimates approved in year will be reported to Full Council as part of the annual Outturn Report.

Note that this will not change existing governance processes around capital expenditure, which is externally funded, e.g. through capital grants or s106 contributions. As with any Cabinet decision, members have the right to invoke 'call-in' to challenge a supplementary estimate where the appropriate procedural tests can be met.

### 3.5 **Equalities Panel**

The Equalities Panel is a Cabinet Group, which under the constitution is an advisory body to Cabinet. The Panel has conducted a review of its role and impact over the last six months. As a result, a number of changes are proposed to its Terms of Reference to clarify and enhance its role.

The proposals include a change of name to the 'Inclusion and Equity Panel' and a number of changes in working practice to enhance its impact:

- expanding collaboration, with voluntary sector and public representatives as members, so that the Panel's recommendations to Cabinet are informed by those with lived experience of inequalities.
- better support Cabinet, OSC, and wider Committees such as the Employment Committee through a forward plan
- including within a forward plan key issues affecting the City, wider than just those impacted by Council services

The updated Terms of Reference are set out in Appendix B. More detailed working arrangements have been developed and consulted on with the Cabinet Lead for Equalities and the current Equalities Panel.

The current Terms of Reference can be found at Appendix C.

### **3.6 Meetings Calendar 2026-27**

A draft copy of the meetings calendar for the Municipal Year 2026-27 can be found at Appendix D. This is an opportunity for the committee to review the calendar ahead of it being presented to the annual meeting for approval.

## **4. Corporate plan**

4.1 The Constitution underpins the decision making of the Council in order for the Council to carry out its priorities as part of the Corporate Plan

[Corporate plan 2022-27: our priorities for Cambridge - Cambridge City Council](#)

## **5. Consultation, engagement and communication**

5.1 Changes to the Constitution are being presented to the committee as part of the consultation and engagement process. Any recommendations from the committee will be presented to Full Council for ratification.

## **6. Anticipated outcomes, benefits or impact**

6.1 If approved at Full Council the changes will be included in the Constitution and will take effect from that date.

## **7. Implications**

### **Relevant risks**

7.1 There are none.

### **Financial Implications**

7.2 There are none.

## **Legal Implications**

- 7.3 The Constitution contains the rules by which the Council governs itself. It contains a number of legal provisions that are set out in statute. Part of good governance is to review the Constitution and ensure any legal updates are reflected.

## **Equalities and socio-economic Implications**

- 7.4 There are none.

## **Net Zero Carbon, Climate Change and Environmental implications**

- 7.5 There are none.

## **Procurement Implications**

- 7.6 There are none.

## **Community Safety Implications**

- 7.7 There are none.

## **8. Background documents**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 8.1 [Report to Council May 2025](#)

## **9. Appendices**

- 9.1 Appendix A – Updated Member Officer Protocol (inc. current protocol)  
Appendix B – Updated Terms of Reference Inclusion and Equity Panel  
Appendix C – Current Equalities Panel Terms of Reference  
Appendix D – Draft meeting calendar

To inspect the background papers or if you have a query on the report please contact Tom Lewis, Head of Legal Practice and Monitoring Officer, email: [tom.lewis@3csharedservices.org](mailto:tom.lewis@3csharedservices.org)