

Constitution Review - Update

Committee considering report:	Governance and Ethics Committee
Date of Committee:	27 June 2022
Portfolio Member:	Councillor Thomas Marino
Report Author:	Sarah Clarke
Forward Plan Ref:	GE4241

1 Purpose of the Report

This report seeks to provide an update on progress that has been made with the review of the Constitution, and proposals for bringing that forward to Council for approval.

2 Recommendation

Members are asked to note the contents of the report.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	None
Human Resource:	None
Legal:	None from the report but the updated Constitution will provide a clear governance framework that will support effective, efficient and lawful decision making in a manner that also supports accountability, scrutiny, and transparency.
Risk Management:	Having a clear governance framework will reduce the risk of challenge.
Property:	None
Policy:	Does the proposal relate to a local or national policy? Please provide details here.

	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		
Environmental Impact:		X		
Health Impact:		X		
ICT Impact:		X		
Digital Services Impact:		X		
Council Strategy Priorities:		X		
Core Business:	X			The Constitution is a key document supporting effective governance arrangements within the Council.
Data Impact:		X		

Consultation and Engagement:	Finance and Governance Group Corporate Board
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4 Executive Summary

- 4.1 The Constitution sets out details of how the Council will operate to ensure that effective decisions are taken within the legislative framework in a manner that is efficient and transparent.
- 4.2 The Governance and Ethics Committee, which is responsible for making recommendations to Council on proposed changes to the Constitution, determined that a full review of the Constitution should be undertaken, and set up the Constitution Review Task Group ('CRTG') for this purpose.
- 4.3 Previous update reports have demonstrated the new format for the Constitution. The CRTG have recently reviewed draft documents that it is proposed will replace the current sections of the Constitution:
- Part 04 – Council Rules of Procedure
 - Part 05 – Executive Rules of Procedure
 - Part 06 – Overview and Scrutiny Rules of Procedure
 - Part 07 – Regulatory and Other Committees
 - Part 12 – Personnel Rules of Procedure
- 4.4 The draft documents will also replace elements of the following Sections of the Constitution:
- Part 02 – Articles of the Constitution
 - Part 13 – Codes and Protocols
- 4.5 The intention had been to bring these documents to Council for approval in July. However, it is now proposed to hold a number of workshops with Members and officers regarding the proposed changes to the above sections of the Constitution, prior to bringing this to Council in September for approval.

5 Supporting Information

Background

- 5.1 The Constitution Review Task Group was established in 2019 to undertake a review of the Council's Constitution. The project was considerably delayed due to Covid, but is now making good progress.
- 5.2 The current Constitution has operated well for many years supporting effective decision making at meetings of the Council. The work of the CRTG has therefore been focussed to date on the delivery of a more streamlined document, intended to minimise duplication and the risk of future inconsistency.

5.3 The focus of the CRTG has therefore been on the creation of a clear set of operating rules, which will provide a solid foundation and framework supporting the work of the Council.

Proposals

5.4 Given the extent to which the proposed new format of the Constitution will be different from the existing rules, it is proposed to hold a series of workshops during the summer with Members and officers, prior to recommending any changes to Council.

5.5 These workshops will ensure that all Members and relevant officers have an opportunity to consider and test the revised rules prior to them becoming operational. This will also provide an invaluable opportunity to the CRTG, to receive feedback from users which may inform further changes to the proposals prior to these being presented to Council for approval.

5.6 This process will therefore help to provide essential assurance that the new rules will operate effectively to support the Council's governance arrangements, and to ensure that it can continue to operate processes which support efficient, effective, and lawful decision making.

6 Other options considered

6.1 The Council could determine not to make changes to the Constitution. This is not recommended as the Council needs to continually review this to ensure that it continues to support the Council's governance arrangements.

6.2 It would also be possible to bring forward the proposed changes in the absence of engagement with Members and officers. For the reasons outlined above, this is not recommended.

7 Conclusion

Members are asked to note the ongoing work of the CRTG, and the revised timetable at Appendix A.

8 Appendices

Appendix A – Updated Timetable

Subject to Call-In:

Yes: No:

The item is due to be referred to Council for final approval

Delays in implementation could have serious financial implications for the Council

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| Delays in implementation could compromise the Council's position | <input type="checkbox"/> |
| Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months | <input type="checkbox"/> |
| Item is Urgent Key Decision | <input type="checkbox"/> |
| Report is to note only | <input checked="" type="checkbox"/> |

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