
Update on progress with Constitution Review

Committee considering report:	Governance and Ethics Committee on 19 April 2021
Portfolio Member:	Councillor Howard Woollaston
Date Portfolio Member agreed report:	8 April 2021
Report Author:	Sarah Clarke
Forward Plan Ref:	GE3986

1 Purpose of the Report

To provide the Governance and Ethics Committee with an update on progress being made with the review of the Constitution.

2 Recommendations

- 2.1 That the Governance and Ethics Committee note the work of the Constitution Review Task Group and endorse the contents of this update report.
- 2.2 Members are also asked to consider the draft documents provided and to approve in principle the format of these for the updated Constitution.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	None at present.
Human Resource:	None at present
Legal:	The Council is under a duty to prepare and keep up to date its constitution under s.9P Local Government Act 2000 as amended. The Constitution must contain: the standing orders/procedure rules; the members' code of conduct; such information as the Secretary of State may direct; and such other information (if any) as the authority considers appropriate.

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Risk Management:	None at present			
Property:	None at present			
Policy:				
	Positive	Neutral	Negative	Commentary
Equalities Impact:		X		
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		

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Core Business:				
Data Impact:		X		
Consultation and Engagement:	The Constitutional Task Group Members as listed in 4.1 below. Sharon Armour, Stephen Chard, Sarah Clarke, Shiraz Sheikh.			

4 Executive Summary

4.1 At its meeting on 29 July 2019, the Governance and Ethics Committee considered proposals for a comprehensive review of the entire Constitution. The Committee appointed a cross party Constitution Review Task Group to conduct the review supported by relevant officers. The Task Group Members are as follows:

- Councillor Graham Bridgman (Chairman)
- Councillor Jeff Beck
- Councillor James Cole
- Councillor David Marsh
- Councillor Geoff Mayes
- Councillor Andy Moore
- Councillor Howard Woollaston

4.2 The Governance and Ethics Committee set an ambitious timescale for the completion of this work, whilst acknowledging that it would be a substantial undertaking. The original timetable anticipated that the work would be completed by December 2020.

4.3 The Task Group has met on a number of occasions since it was formed and the progress it has made to date is outlined in this report. There have been a number of factors that have resulted in delays to the ambitious timeframe.

5 Supporting Information

Background

5.1 The original proposal presented to the Governance and Ethics Committee contained a timetable detailing an ambitious timetable of reviewing sections of the Constitution on a monthly basis, which would have enabled the final sections to be approved by Council in December 2020.

5.2 The Task Group has since its creation met on 11 occasions, and has reviewed five Parts of the Constitution. The work of the Group was temporarily interrupted by the snap General Election in late 2019, and the work of the Group was also paused for a period during the initial response phase to Covid 19, as officers supporting the project were diverted to other matters.

5.3 The Task Group commenced by working through the different parts of the Constitution in line with the timetable:

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- Part 2 – Articles of the Constitution
- Part 4 – Council Rules of Procedure
- Part 5 – Executive Rules of Procedure
- Part 6 – Overview and Scrutiny Rules of Procedure
- Part 7 – Regulatory and Other Committees

- 5.4 In doing so the Task Group quickly identified a number of general themes and standard changes to be made. The existing Constitution is a comprehensive document, but there is duplication in different Parts relating to matters such as meeting procedures, and some of those rules had become inconsistent over time as different Parts of the Constitution were updated on a rolling programme. The Task Group therefore agreed that areas of overlap and duplication needed to be avoided where possible in the separate parts of the Constitution, in order to ensure greater consistency.
- 5.5 As a result, the focus of the review transferred to the production of a more streamlined and consistent document, intended to minimise duplication and consequently, the risk of future inconsistency. The current focus has been on the creation of a clear set of operating rules, which will act as a foundation and framework for the revised Constitution.
- 5.6 The current drafts are appended to this report:
- Table of meetings
 - Meeting Rules of Procedure
 - Council Committees Guide
- 5.7 These new documents will enable the reader, at a relatively short glance, to establish how each Council body is constituted, the business that can be considered at each type of meeting (annual, budget, ordinary, extraordinary and sub-committee) and procedure motions that may be moved with or without notice.
- 5.4 Flowing from these three documents will be appendices that provide detail that is specific to each meeting and/or committees. That work has begun and builds upon the work described in paragraph 5.1.
- 5.5 The Budget meeting of Council is individually specified within the generic Constitution documents. The Task Group consider that this meeting of Council should concentrate solely on debate and decision making on the reports that form the Council's budgets on an annual basis. It has been recognised that by taking this step it may be necessary to introduce an additional meeting of Council to the timetable of meetings to ensure non-budgetary business is not delayed.
- 5.6 A Glossary of terms is also being populated and will form part of the Constitution documents. This is designed to avoid the need to repeat definitions of different terms throughout the Constitution.
- 5.7 At the time of the original proposal, it was anticipated that the work of the Task Group could be completed in a manner that would enable the Council to approve updated sections (or Parts) of the Constitution. However, as the document will now be subject to a more fundamental change, it will not be possible to update this in Parts.

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- 5.8 There are some changes that would benefit from an earlier review, such as the process for allowing questions at meetings. These will therefore be brought forward with a view to proposed changes being considered at the July meeting of Council.

Proposals

- 5.9 Members are invited to note the extensive work, and the progress of the Task Group to date.
- 5.10 It is also proposed that the Monitoring Officer be invited to bring forward a report with proposals which would benefit from early consideration. .

6 Other options considered

- 6.1 As detailed above, ad hoc amendments and updates were considered but it did not achieve consistency and the desired objective to overhaul and produce a modern Constitution.
- 6.2 Doing nothing is not an option as the Council must review and maintain an up to date Constitution.

7 Conclusion

The Task Group is making good progress on a significant undertaking.

8 Appendices

- 8.1 Appendix A – Table of meetings
- 8.2 Appendix B – Draft meeting Rules of Procedure
- 8.3 Appendix C – Draft Council Committees Guide

Background Papers:

None

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

Delays in implementation could compromise the Council's position

Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months

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Item is Urgent Key Decision

Report is to note only

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