

<b>REPORT TO</b>	<b>DATE OF MEETING</b>
Governance Committee	1 February 2017

Report template revised June 2008



<b>SUBJECT</b>	<b>PORTFOLIO</b>	<b>AUTHOR</b>	<b>ITEM</b>
Review of the Constitution	Not applicable	CJ Elwood	

## SUMMARY AND LINK TO CORPORATE PRIORITIES

At their last meeting on the 14 December 2016 Members approved the Annual Governance Statement which recommended that the Council’s Constitution should be as clear as possible, completely up to date and fit for purpose. Members endorsed the proposed action which was to carry out a thorough review of the Constitution, including Financial Regulations.

This report seeks Members’ views on the approach to adopt in undertaking the review, including initial priorities, phasing and timescales.

## RECOMMENDATIONS

That Members:

- a. Note the requirement to review the Council’s Constitution to ensure that it is as clear as possible, up to date and fit for purpose
- b. Approve the suggested guidelines to adopt as a “House Style” for drafting purposes together with the methodology for undertaking the review
- c. Review and approve suggested priorities and timescales for undertaking the review

## DETAILS AND REASONING

All Councils are required to have a written Constitution which sets out the Council’s internal governance arrangements, approved procedures and protocols. As part of the Corporate Governance Action Plan 2016/17 Members agreed to carry out a thorough review of the Constitution, including the Council’s Financial Regulations, in order to ensure that the Constitution is as clear as possible, completely up to date and fit for purpose.

Members of the Committee have reviewed aspects of the Council’s Constitution previously but what is now proposed is a more extensive review of the document. A comprehensive review of the entire document is resource intensive and so members’ views are sought on the approach to adopt in undertaking the review, including those parts which are considered to be the initial priority, any subsequent phases and overall timescales for formal approval and adoption by full Council.

### House Style and Guidelines

In undertaking the review it is important that the overall approach to the review is agreed and is driven by the need to improve and update the Constitution into a document which users will find easy to use and accessible.

It is therefore suggested that the following basic guidelines should be adopted as a “House Style” for the purpose of drafting the Constitution:

- Use of plain english
- Clarity of expression
- Consistency of terminology
- Streamlining and simplification of sections
- Improvement of interactive links to allow ease of access within the document itself

### **Sections recently reviewed**

Committee Members have most recently reviewed the following areas and accordingly these areas ought to be fit for purpose or are likely to require only a light touch review. It is therefore suggested that these areas are not to be included within the initial priority phases:

- Contract Procedure Rules and Public Procurement Regulations 2015
- Establishment of Appointment and Employment Panel
- Statutory Dismissal Procedure for Protected Officers
- Members on Outside Bodies

### **Areas for Review**

**Appendix A** sets out the current list of contents within the Constitution for ease of reference.

Members’ views are sought on the initial priorities for reviewing sections of the Constitution.

An indicative timetable is set out below for Members’ comments but members are asked to bear in mind that this is ambitious and may need to be revised as the task develops:

<b>Section in Constitution</b>	<b>Governance Committee meeting</b>	<b>Council meeting</b>
Financial Regulations	12 April 2017	24 May 2017
Council Procedure Rules	12 April 2017	24 May 2017
Officer Employment Procedure Rules	12 April 2017	24 May 2017
Summary & Articles of Association	12 April 2017	24 May 2017
Planning Procedures/ Protocol	12 April 2017	24 May 2017
Standards Committee (referred from Committee)	12 April 2017	24 May 2017
Cabinet Procedure Rules	28 June 2017	19 July 2017

Scrutiny Procedure Rules	28 June 2017	19 July 2017
Scheme of Delegation to Officers	28 June 2017	19 July 2017
Terms of Reference of Council Bodies	28 June 2017	19 July 2017
Budget & Policy Framework Procedure Rules	28 June 2017	19 July 2017
Access to Information Procedure Rules	13 September 2017	27 September 2017
Any other aspects which need to be considered as a result of consequential changes and/or other issues	13 September 2017	27 September 2017

## Methodology

As the Committee is tasked with conducting a substantial review of the Constitution the intention is to establish a small Officer Working Group to make recommendations to the Committee. Past practice has been for all members of the Committee to sit as a Member Working Group to look at the detail of a number of the proposals and it is suggested that this procedure is adopted again. In view of the number of sections to review Members may consider it appropriate to convene ad hoc meetings of the Group.

In a number of instances it would be good practice (and engage a wider Member base) where a section specifically affect certain Member bodies to consult that body. For example in the case of the review of both the Cabinet Procedure Rules and the Scrutiny Procedure Rules it would be the intention to take a report on the proposed changes to that body in the first instance so that Members of the Governance Committee have the benefit of their views and comments.

The Standards Committee in particular has already requested work be undertaken to review their terms of reference, the existing Code of Member Conduct and a draft Protocol on the Use of Social Media which will be reported to the Governance Committee in due course as these will form part of the Council's Constitution.

## Summary

A thorough review of the Constitution is resource intensive and care needs to be taken to ensure that, firstly, reviewers are not overwhelmed by the volume of detail and, secondly, that rigour can be applied to the process. Fortunately a number of the sections are relatively free standing and can be reviewed in discrete sections, although overall the document must interlink and work as a whole.

Ideally the Constitution would be reviewed with recommendations approved by the Annual Council in May 2017 so that the document was brought into effect for the start of the new Civic Year. Unfortunately the scale and importance of the review is such that this is not realistic, hence the suggestion that the review is phased and considered by the Committee over several meetings.

There is a balance, however, and it is also considered that the review should not take too long with September full Council targeted as the meeting to sign off the amended final document. However, as stressed above this may need to be reviewed as the task develops and if other priorities for members and officers emerge which impact upon the resources needed for this task.

Members' views are sought on the methodology to adopt in undertaking the review, the initial priorities, phasing and timescales.

## WIDER IMPLICATIONS

In the preparation of this report, consideration has been given to the impact of its proposals in all the areas listed below, and the table shows any implications in respect of each of these. The risk assessment which has been carried out forms part of the background papers to the report.

<b>FINANCIAL</b>	Section 151 of the Local Government Act 1972 requires every local authority to make arrangements for the proper administration of their financial affairs and requires one officer to be nominated to take responsibility for the administration of those affairs. The purpose of the Financial Regulations is to provide a framework and financial procedures to ensure proper financial management throughout the Council. These regulations should be regularly reviewed and updated to ensure that they are as clear as possible, completely up to date and fit for purpose.		
<b>LEGAL</b>	The Local Government Act 2000 requires all Councils to have a written constitution which should be regularly be reviewed and updated and available for public inspection. Any amendments to the Constitution require the approval of full Council.		
<b>RISK</b>	The Constitution is a key statutory document which sets out the Council's internal governance arrangements, approved procedures and protocols. Risk of internal corporate governance failures are minimised if the Constitution is up to date, its requirements clearly understood and enforced.		
<b>THE IMPACT ON EQUALITY</b>	None directly.		
<b>OTHER (see below)</b>	None directly, but the Constitution underpins the Council's internal governance processes and as such impacts on a wide range of the Councils functions and procedures.		
<i>Asset Management</i>	<i>Corporate Plans and Policies</i>	<i>Crime and Disorder</i>	<i>Efficiency Savings/Value for Money</i>
<i>Equality, Diversity and Community Cohesion</i>	<i>Freedom of Information/ Data Protection</i>	<i>Health and Safety</i>	<i>Health Inequalities</i>
<i>Human Rights Act 1998</i>	<i>Implementing Electronic Government</i>	<i>Staffing, Training and Development</i>	<i>Sustainability</i>

## **BACKGROUND DOCUMENTS**

South Ribble Borough Council Constitution

## **APPENDIX A**

### **CONTENTS OF THE CONSTITUTION**

Part One – Summary of Constitution

Part Two – Articles of the Constitution

- The Constitution
- Members of the Council
- Citizens and the Council
- Council Meeting
- The Mayor
- Scrutiny Committee
- Governance Committee
- Cabinet (Executive)
- Regulatory and Other Committees
- Standards Committee
- My Neighbourhood Areas
- Joint Arrangements
- Officers
- Decision Making
- Finance, Contracts and Legal Matters
- Review and Revision of the Constitution
- Suspension, Interpretation and Publication of the Constitution
- Description of Leader & Cabinet arrangements

Part Three – Responsibility for Functions

- Full Council
- Cabinet Roles
- Cabinet Functions
- Committee Functions
- Scheme of Delegation to Officers
- Working Groups and Panels
- Members on Outside Bodies

Part Four – Procedure Rules

- Council Procedure Rules (standing orders)
- My Neighbourhood Area Procedure Rules
- Access to Information Procedure Rules
- Budget and Policy Framework Procedure Rules
- Cabinet Procedure Rules

- Scrutiny Procedure Rules
- Financial Regulations
- Contract Procedure Rules
- Officer Employment Procedure Rules
- Standards Committee Procedure Rules

Part Five – Codes and Protocols

- Code of Conduct for Elected Members
- Code of Conduct for Employees of the Council
- Protocols

Part Six – Scheme of Payment of Members Allowances

Part Seven – Senior Management Structure