

| REPORT TO | ON |
|-----------|--------------|
| Council | 25 July 2018 |



September 2017

| TITLE | REPORT OF |
|--|----------------------------|
| Review of Constitution Part 2Q –Review and Revision of the Constitution (formerly Article 16) | Interim Monitoring Officer |

1. PURPOSE OF THE REPORT

- 1.1 At their meeting on the 1ST February 2017, the Governance Committee resolved to review the Council’s Constitution.
- 1.2 The Governance Committee considered this part (formerly Article 16) of the Constitution at their meeting on the 29th of May 2018.

2. RECOMMENDATIONS

- 2.1 That Council approve the draft Part 2Q – Review and Revision of the Constitution (formerly Article 16) at Appendix B.

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities:

| | |
|---|---|
| Excellence and Financial Sustainability | X |
| Health and Wellbeing | |
| Place | |

Projects relating to People in the Corporate Plan:

| | |
|--------|--|
| People | |
|--------|--|

4. BACKGROUND TO THE REPORT

4.1 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 of the Governance Committee agreed to carry out a thorough review of the Constitution in order to ensure that the Constitution is as clear as possible, completely up to date and fit for purpose.

4.2 Members agreed to adopt the following “House Style” to ensure the Constitution was an easily accessible document:

- 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.

4.3 The existing Article 16 – Review and Revision of the Constitution is set out at Appendix A.

4.4 The amended Article 16 – Review and Revision of the Constitution (renumbered as Part 2Q) to ensure consistency with the overall numbering of the October 2017 published version of the Constitution), is set out at Appendix B.

4.5 The purpose of this part of the Constitution is to explain the rules relating to the review of the Constitution – whose responsibility is it and how will we proceed in practice. The proposed changes are set out in paragraph 5 below.

5.0 Part 2Q Review and Revision of the Constitution

5.1 The amended Part 2Q Review and Revision of the Constitution at Appendix B includes the following key changes:

| Paragraph | Content | Justification |
|---|--|---|
| General Paragraph numbers are now 1 through to 4, replacing 16.01 through to 16. 04. | Paragraph numbers are now 1 through to 4, replacing 16.01 through to 16. 03 | Simplify numbering |
| Paragraph 1 | <p>Paragraph 1 Maintaining the Constitution</p> <p>New Paragraph 1 inserted as follows:</p> <p>“The Monitoring Officer has responsibility to maintain an up-to-date version of this Constitution, incorporating all alterations and amendments approved by Full Council, and to ensure that it is available to Councillors, staff and the public”.</p> | This paragraph records the responsibility of the Monitoring Officer to maintain an up to date version of the Constitution. |
| Paragraph 2 | <p>Paragraph 2 Duty to Monitor and review the Constitution</p> <p>Paragraph 2 has been amended to read as follows :</p> <p>“The Monitoring Officer shall monitor and review the operation of the constitution to ensure that the following aims and principles of the constitution are given full effect:</p> <ul style="list-style-type: none"> • The constitution assists the Council to provide clear leadership to the | <p>The Monitoring Officer should have a duty to maintain and review.</p> <p>Paragraph 2 now identifies the aims and principles he should have regard to</p> |

| | | |
|---------------------------|---|--|
| | <p>community and in working in partnership with citizens, businesses and other organisations;</p> <ul style="list-style-type: none"> • The constitution supports the active involvement of citizens in the process of local authority decision-making; • The constitution help Councillors represent their constituents more effectively; • The constitution enables decisions to be taken efficiently and effectively; • The constitution create a powerful and effective means of holding decision makers to public account; • The constitution ensures that no one will review or scrutinise a decision in which they were directly involved; • The constitution ensures that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and • The constitution assists the delivery of quality services to all sections of the community; and • The constitution provide a framework which promotes the Council's priorities set out in its Corporate Plan." | |
| <p>Paragraph 3</p> | <p>1. Paragraph 3 Protocol for monitoring and review of the constitution</p> <p>A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve any one or more of the aims and purposes referred to in paragraph 2 above :</p> <p>In undertaking this task the Monitoring Officer, amongst other things, may:</p> | <p>In order to ensure consistency with Paragraph 2, the Monitoring Officer is responsible for monitoring and reviewing the Constitution.</p> |

| | | |
|--------------------|---|--------------------------|
| | <ol style="list-style-type: none"> 1. observe meetings of different parts of the member and officer structure; 2. undertake an audit of a sample of decisions; 3. record and analyse issues raised with him/her by members, officers, the public and other relevant stakeholders; and 4. compare practices in this authority with those in other comparable authorities, or national examples of best practice. | |
| Paragraph 4 | There is an amendment to para 4(a) as Cabinet are not involved in the review of the Constitution | Update and clarification |

6.1 Comments of the Statutory Finance Officer

There are no financial implications arising directly from this report.

6.2 Comments of the Monitoring Officer

Every Council is required to have a written Constitution which is regularly reviewed and kept up to date.

| | |
|---|--|
| <p>Other implications:</p> <ul style="list-style-type: none"> ▶ Risk ▶ Equality & Diversity ▶ HR & Organisational Development ▶ Property & Asset Management ▶ ICT / Technology | <p>There are no specific risk implications arising from this report</p> <p>There are no specific equality implications arising from this report</p> <p>There are no specific HR implications arising from this report</p> <p>There are no specific Property or asset management implications arising from this report</p> <p>There are no specific ICT implications arising from this report</p> |
|---|--|

7. BACKGROUND PAPERS

None

David Whelan
Monitoring Officer

| Report Author: | Telephone: | Date: |
|----------------|-----------------|--------------|
| David Whelan | 01772 625247 | 14 June 2018 |