

AUDIT AND GOVERNANCE COMMITTEE - 17 NOVEMBER 2021

CONSTITUTION REVIEW – UPDATE

REPORT BY THE DIRECTOR OF LAW & GOVERNANCE AND MONITORING OFFICER

RECOMMENDATION

1. The committee is **RECOMMENDED** to note the membership of the Constitution Review Working Group and to receive this update on its establishment.

EXECUTIVE SUMMARY

2. In September 2021, the Committee approved the scope for a review of the Constitution and agreed to the appointment of an informal cross-party Working Group and its terms of reference (Annex). The purpose of the Working Group is to make recommendations to this Committee on potential changes to the Constitution. The Committee endorsed an outline approach which envisaged the Committee receiving a draft, revised version of the Constitution in March 2022.
3. The Committee did however affirm that achieving a Constitution that is fit for purpose and understandable by the public, members and officers was the key consideration, rather than meeting a timeframe for its own sake.
4. The purpose of this report is to update the Committee on the commencement of the Working Group to deliver the review.

CONSTITUTION REVIEW WORKING GROUP

Membership

5. It was agreed that the Working Group would be politically proportional and that members of it need not be members of this Committee. Nominations were to be made by Group Leaders. This has now been achieved and the membership is as follows:

Group	Appointed
3 Liberal Democrat-Green Alliance Group Members	Cllrs Robin Bennett, Roz Smith and Bethia Thomas
3 Conservative-Independent Alliance Group Members	Cllrs David Bartholomew, Yvonne Constance and Ted Fenton
2 Labour & Co-operative Party Group Members	Cllrs Brad Baines and Susanna Pressel
1 x Independent	Cllr Stefan Gawrysiak

Commencement

6. A first meeting is currently being arranged, at which the Group will appoint its own Chair and Deputy Chair. Regular meetings of the Working Group will be timetabled. The first meeting will establish a work programme consistent with the agreed Project Scope, which is to undertake a complete review of the Constitution including a review of:-
 - a) The document – e.g. style, simplicity, glossary, flow charts, hyperlinks
 - b) Content – e.g. delegations, roles, procedure rules, protocols
 - c) Training – for members and officers
 - d) Review of best practice and compliance with legislation – e.g. reference to other examples and the statutory essentials; and then to
 - e) Make recommendations for a Constitution that is modern, reflects best practice and utilises language and style that will make it more accessible
7. Officers are also currently engaged in reviewing sections of the Constitution for accuracy and also in terms of best practice research, so that the Group can receive informed options as to format and content..
8. A detailed update will be presented to this Committee in January 2022.

FINANCIAL IMPLICATIONS

9. There are no financial implications directly relating to, or arising from, the recommendation in this report.

LEGAL IMPLICATIONS

10. The Council has a legal duty to maintain a Constitution and to keep it up to date, under the Local Government Act 2000 Section 9P. This report assists the Council in fulfilling the duty to keep the Constitution up to date and discusses the arrangements being developed to maintain it in the future.

EQUALITY & INCLUSION IMPLICATIONS

11. The recommendations in this report do not themselves raise equality implications. However, keeping the Constitution up to date is important to its accessibility. The context of the report is the delivery of a revised Constitution that engages everyone in our communities. The Terms of Reference for the review include an express intention to ensure that the language of the Constitution is fully inclusive.

ANITA BRADLEY

Director of Law and Governance & Monitoring Officer

Annex: Constitution Working Group Terms of Reference
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