

**Divisions: All**

**AUDIT & GOVERNANCE COMMITTEE  
5 JANUARY 2022**

**Constitution Review - Update**

**Report by the Director of Law & Governance and Monitoring Officer**

**RECOMMENDATION**

1. **The Committee is RECOMMENDED:**
  - (a) **To note the progress made to date with the Constitution Review; and**
  - (b) **To note the concerns of the Constitution Review Working Group around delivery of a new Constitution by the end of March 2022 and to extend that deadline until 31 July 2022.**

**Executive Summary**

2. In September 2021, the Committee approved the scope for a review of the Constitution and a Working Group has since been formed. Councillor Pressel is the Chair of this Group and Councillor Smith is the Deputy Chair.
3. 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. 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.
4. The Constitution Working Group has met twice and it has become apparent that the timescale in which to produce an updated Constitution that is fit for purpose and understandable is not achievable within the initial anticipated timescale.
5. A significant amount of work is required to be undertaken in order to produce recommended options. Key principles need to be agreed that will underpin changes to the tone, style, format and content of the constitution. In order to ensure that appropriate best practice review is undertaken, advice sought and to provide officers with the required time to develop content proposals the Constitution Working Group requests that the review be extended beyond the original deadline of the end of March 2022.
6. The Constitution Working Group, therefore, ask the Committee to extend the deadline for the review until July 2022

## CONSTITUTION REVIEW WORKING GROUP

7. The Constitution Working Group (CWG) is considering a range of constitutional approaches to agree acceptable style and design principles that will govern the approach to drafting the new Constitution whilst also ensuring that it fulfils all legislative requirements, is fit for purpose and easily understandable. To date they have:
  - Reviewed guidance from the Centre for Governance & Scrutiny
  - Considered the key function of a constitution and how it can deliver transparency
  - Considered how it can become more usable
  - Examined examples of supporting guidance documentation to accompany a constitution
  - Examined examples of website landing pages for constitutions
  - Reviewed examples of best practice diagrams, illustrations and flowcharts to support member and public understanding of key process and procedure
8. The CWG has agreed to consult political groups on a number of key questions to help inform their considerations, to assist with this Officers supporting the CWG will attend Political Group Meetings as requested to gain the views of all Members to ensure that Officers redraft the Constitution in the desired format.
9. The CWG will be reviewing required constitutional content set against desired content at its next meeting in January 2022.
10. Following the previous meeting of the CWG on the 16 December 2021, the Group agreed to ask the Audit & Governance Committee to extend the deadline for the review of the Constitution to ensure it is fit for purpose.
11. The Committee previously affirmed that achieving a Constitution that is fit for purpose and understandable by the public, members and officers was the key consideration.
12. Therefore, the CWG asks the Audit & Governance Committee to extend the deadline of this review to 31 July 2022. This will allow officers additional time to undertake the initial drafting exercise as well as present the Constitution in the final style still to be agreed upon. Officers are currently awaiting feedback from the Political Group meetings to inform the CWG as to the style and presentation to be adopted.
13. Sections under initial consideration are as follows:
  - (a) The Articles
  - (b) Part 7-1 – Scheme of Delegation to Officers
  - (c) Part 8-3 – Contract Procedure Rules
  - (d) Part 8-4 – Officer Employment Procedure Rules
  - (e) Part 8.2 – Financial Procedure Rules
  - (f) Part 3 – Council

- (g) Part 4 – Cabinet
- (h) Part 8.1 – Access to Information Procedure Rules
- (i) Part 9.2 – Protocol on Members Rights and Responsibilities
- (j) Part 9.6 – Protocol on Member/Officer Relations
- (k) Part 3.4 – Local Choice Functions

## **Financial Implications**

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

## **Legal Implications**

15. 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.

Comments checked by:

Sukdave Ghuman, Head of Legal Services

## **Equality & Inclusion Implications**

16. 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 & Governance and Monitoring Officer

Background papers: Constitution Review – Update: Report to Audit & Governance Committee of 17 November 2021

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