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CHILTERN
District Council



Governance and Electoral Arrangements Committee

Tuesday, 25th October, 2016 at 6.30 pm

**Large & Small Committee Room, King George V House, King George V Road,
Amersham**

A G E N D A

- 1 Evacuation Procedures
- 2 Election of Chairman
To elect a Chairman of the Committee for the remainder of the Municipal Year 2016/17.
- 3 Minutes (*Pages 3 - 4*)
To agree the Minutes of the meeting held on 24 February 2016.
- 4 Apologies for Absence
- 5 Declarations of Interest
- 6 Review of the Council's Constitution (*Pages 5 - 8*)
Appendix: Constitution Review Work Programme (Pages 9 - 10)

7 Exclusion of the Public (if required)

To resolve that under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Act.

Note: All Reports will be updated orally at the meeting if appropriate and may be supplemented by additional reports at the Chairman's discretion.

Membership: Governance and Electoral Arrangements Committee

Councillors: J A Burton
I A Darby
A J Garth
P M Jones
N M Rose
M W Shaw
M J Stannard
D M Varley
H M Wallace
E A Walsh

Date of next meeting – Thursday, 9 February 2017

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CHILTERN DISTRICT COUNCIL

**MINUTES of the Meeting of the
GOVERNANCE AND ELECTORAL ARRANGEMENTS COMMITTEE
held on 24 FEBRUARY 2016**

PRESENT: Councillor C J Wertheim - Chairman

Councillors: J A Burton
I A Darby
A J Garth
P M Jones
N M Rose
M W Shaw
M J Stannard
D M Varley
E A Walsh

AN APOLOGY FOR ABSENCE was received from Councillor H Wallace.

14 MINUTES

The Minutes of the meeting of the Governance & Electoral Arrangements Committee held on 27 January 2015 were agreed by the Committee and signed by the Chairman as a correct record.

15 DECLARATIONS OF INTEREST

There were no declarations of interest.

16 REVIEW OF POLLING PLACES REPORT

Consideration was given to the report which outlined the reasons to review the location of three polling places in light of lessons learnt from the combined Elections in 2015 and as a result of the implications of the Bucks County Boundary Review 2012; and also to review the location of one polling place in Seer Green ward that was no longer available to use in 2016 and future elections.

It was noted that as a result of any changes to polling place locations, in addition to electors receiving the information of the relevant polling station on their poll cards, notices would be displayed at previously used polling stations in the event that electors may attend the previous location.

Following consideration of the options for each polling place and the background information in respect of each polling place, as detailed in the report, the Committee

RESOLVED -

- i) That the following Polling Place be relocated for the reasons set out in the report:**
 - **Chesham Grammar School be relocated to White Hill Community Centre**

- ii) That the following Polling Place venue be retained and not relocated due to lack of a satisfactory alternative location:**
 - **Methodist Church, Chesham**

- iii) That although the implications of the Buckinghamshire County Electoral Review 2012 changes amalgamated the Little Kingshill and Little Missenden Parish wards to form one ward, a polling place will remain in each ward namely Little Kingshill Parish Hall for Little Kingshill and Little Missenden Village Hall for Little Missenden to minimise disruption for electors in each area of the ward; and**

- iv) That the following Polling Place be relocated for the reasons set out in the report:**
 - **Seer Green Parish Hall be relocated to Seer Green Scout Hall**

17 REVIEW OF THE COUNCIL'S CONSTITUTION

The Chairman informed the Committee that he had asked the Head of Legal and Democratic Services to prepare a draft work programme for consideration by the Committee at a future meeting to progress a review of the Council's Constitution.

The Head of Legal & Democratic Services reported that she had prepared a draft work programme and advised that a meeting should be held after the Police & Crime Commissioner Elections on 5 May 2016 to agree the scope and objectives of the review and to confirm the work programme. It was noted that a harmonisation of Chiltern District Council and South Bucks District Council Constitutions would be undertaken where possible but two separate Constitutions would be retained for each Council.

RESOLVED -

- i) That a work programme to review the Council's Constitution be finalised; and**

- ii) That an additional date for a meeting of the Governance and Electoral Arrangements Committee, to agree the scope and objectives of the review, be scheduled and members advised accordingly.**

The meeting ended at 5.50pm

SUBJECT:	Review of the Council's Constitution
REPORT OF:	Monitoring Officer
RESPONSIBLE OFFICER	Jim Burness, Director of Resources
REPORT AUTHOR	Joanna Swift, Head of Legal and Democratic Services
WARD/S AFFECTED	None

1. Purpose of Report

To agree the scope of the project to review the Council's Constitution and agree a draft work programme.

RECOMMENDATION

That the scope of the review proposed in the report and the draft work programme attached at Appendix A be agreed, subject to any amendments made by the Committee

2. Reasons for Recommendation

To ensure the Council's Constitution is fit for purpose and more user-friendly for members, staff and the public, to introduce harmonised procedures with South Bucks District Council where this will facilitate more effective running of shared services and to ensure the Council meets its statutory duty of publishing an up to date Constitution.

3. Content of Report

- 3.1 The Constitution records the Council's political management arrangements and sets out the fundamental principles on which the Council is governed. It includes details about how the Council operates, how lawful decisions are made and the procedures to follow to ensure that the Council conducts business efficiently and is transparent and accountable to local people.
- 3.2 The current Constitution first came into effect in May 2002 and reflected the requirements of the Local Government Act 2000 which replaced the committee system with separate functions for the executive (cabinet), scrutiny and full Council. Since this time it has been periodically reviewed and amended but the last published revision was in May 2010. It is therefore out of date and does not incorporate changes to the political management arrangements agreed by the Council since 2010, as well as legislative changes and the new shared working arrangements with South Bucks District Council.
- 3.3 The Governance and Electoral Arrangements Committee is established to monitor and review the operation of the Council's Constitution and political management arrangements, as well as dealing with electoral issues. The making of changes to the Constitution is reserved to Full Council. The intention of this project is for the Committee to work towards recommending a revised Constitution for approval at Full Council in May 2017.

3.4 The format of the Constitution is based on a national model recommended by the government in 2000. It is currently divided into 9 parts each with a number of sub-sections covering the formal Articles of the Constitution, organisation structure, roles and responsibilities, the terms of reference of committees, council and cabinet, rules of procedure, contract and financial standing orders, delegations to officers and local codes and protocols. In view of this complexity it is proposed to divide the project into manageable stages to ensure that issues and required/suggested changes can be fully considered. A suggested timetable is attached at Appendix A for members' consideration and comment. As well as reviewing the content it is proposed that the format of the documents is improved to make it more accessible to those reading on-line via the intranet and Council website

3.5 Members are asked to consider and agree what is in and out of scope of this project and the principles for the review. Suggestions are set out below :-

In Scope

- ensuring the Constitution reflects the Council's current political management arrangements and meets all necessary legislative requirements
- harmonising rules of procedure, key definitions, local codes, protocols and officer delegations with South Bucks where appropriate for the effective running of shared services
- to decide how and when the Constitution should be reviewed and amended in future to ensure it continues to be kept up to date

Out of Scope

- recommending making changes to the Council's existing political management arrangements (i.e. to the number and terms of reference of committees and to the cycles of meetings)

Principles

- to avoid jargon and make the Constitution easy to read and understand;
- to create a document that is easy to navigate via the intranet and internet;
- to reduce the length of the Constitution where possible to a more manageable size
- to make the Constitution more interactive, making better use of the Council's website and hyperlinks to live documents;

4 Consultation

The Committee is asked to consider whether, and if so how, they wish to consult with members more widely, either via committees/cabinet or individually.

5 Options

Members may wish to suggest changes to the scope of the review and draft work programme.

6. Corporate Implications

Financial – There are no financial implications arising directly from this report but the Committee will be invited to review the financial thresholds for making Key Decisions when considering the Articles of the Constitution

Legal – As set out in the report

Risks issues – The lack of an up to date and effective Constitution could increase the risk of governance failures

Equalities - None specific

7. Links to Council Policy Objectives

There are no direct links to the policy objectives. But the Council has a statutory duty to maintain an up to date Constitution and publish this on the website.

8. Next Steps

As set out in the agreed work programme.

Background Papers:	None except those referred to in the report
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CHILTERN DISTRICT COUNCIL
GOVERNANCE & ELECTORAL ARRANGEMENTS
COMMITTEE

Review of the Constitution Work Programme
2016/2017

	2016			2017	
	25 October	30 November	18 January	22 February	23 March
Meeting 1 25 October					
<ul style="list-style-type: none"> • Agree scope and principles of the review and a work programme 					
Meeting 2 30 November					
<ul style="list-style-type: none"> • Introduction and Articles of the Constitution • Roles and Responsibilities and Terms of Reference for Council Committees • Overview and Scrutiny and Budget and Policy Framework Procedure Rules 					
Meeting 3 18 January					
<ul style="list-style-type: none"> • Council Procedure Rules • Roles and responsibilities and terms of reference of the executive • Cabinet Procedure Rules • Employment Procedure Rules 					
Meeting 4 22 February					
<ul style="list-style-type: none"> • Codes of Practice, Protocols and Local Codes • Scheme of Delegations to Officers 					
Meeting 5 23 March					
<ul style="list-style-type: none"> • Approve revised Constitution for recommendation to Full Council 16 May 2017 together with arrangements for future amendments and review 					