

<b>SUBJECT:</b>	Review of the Council's Constitution
<b>REPORT OF:</b>	Monitoring Officer
<b>RESPONSIBLE OFFICER</b>	Jim Burness, Director of Resources
<b>REPORT AUTHOR</b>	Joanna Swift, Head of Legal and Democratic Services
<b>WARD/S AFFECTED</b>	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 It is therefore out of date and does not incorporate changes to the political management arrangements agreed by the Council since 2010, as well as legislative changes and the new shared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.

<b>Background Papers:</b>	None except those referred to in the report
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