
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 and Monitoring Officer
WARD/S AFFECTED	None

1. Purpose of Report

In accordance with the agreed work plan to undertake a detailed review of the Introduction and Articles of the Constitution and receive a report on Part 3 Roles and responsibilities and Terms of Reference for Council Committees and Part 4 Procedures rules for the Overview and Scrutiny function and the Budget and Policy framework.

RECOMMENDATION

- 1. That the Committee consider and agree the proposed revisions to the Introduction and Articles of the Constitution at Appendix 1**
- 2. That the Committee note the position on Part 3 Roles and Responsibilities and Terms of Reference for Council Committees and Part 4 Procedures rules for the Overview and Scrutiny function at Appendix 3 and the Budget and Policy framework procedure rules at Appendix 4.**

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 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. 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, organisational 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. A copy of the index to the Constitution is attached at Appendix 1 to give members an overview as they proceed with the review.

- 3.2 The Committee agreed a work programme for reviewing and updating the Constitution at their meeting in October. This report deals in detail with the first 2 parts of the Constitution which are appended in full with proposed revisions shown in track changes. Parts 3 and 4 are also covered below but full details and proposed revisions will be brought to the next meeting.

Part 1 Introduction and Part 2 Articles of the Constitution

- 3.3 The purpose of the introduction and articles is to summarise the Council's governance and decision-making processes and act as a sign post to the more detailed terms of reference, delegations, rules of procedures, codes and protocols adopted by the Council and contained in Parts 3 to 9 of the Constitution.
- 3.4 The proposed revisions are shown in track changes at Appendix 2 and deal with legislative changes, particularly amendments made by the Localism Act 2011 and update references to committees amended by the changes to political management arrangements agreed by Full Council in 2014. The list of plans and strategies forming the Policy Framework has also been updated to reflect current terminology. It is also proposed that attesting the council seal is undertaken by a Chief Officer rather than by the Chairman or Vice-Chairman of the Council as this is an administrative rather than a ceremonial function.
- 3.3 The current format and paragraph numbering has been retained for ease of comparison but it is intended to review this, including the use of indexing and hyperlinks. Once the wording itself has been agreed. It is also proposed to include a glossary of terms after the index.

Part 3 Roles and Responsibilities and Terms of Reference for Council Committees

- 3.4 Part 3 of the Constitution sets out role descriptions for council members and the different responsibilities of the cabinet and full council, details of joint arrangements and the terms of reference for the various committees and cabinet. This reflects the provisions of the Local Government Act 2000 (as amended) and the Functions and Responsibilities Regulations 2000 which specify which functions are carried out by the executive (cabinet) and which are reserved to Full Council.
- 3.5 In 2015 the government consulted on revised Functions and Responsibilities Regulations which updated the 2000 Regulations. However, these draft regulations were overtaken by the General Election in May 2015 and have not been pursued since. Revisions to this part of the Constitution will therefore continue to refer to the Regulations issued in 2000. The terms of reference for council committees need to be updated following the changes to political management arrangements agreed by Full Council in 2014. This Part of the Constitution currently extends to 112 pages and a revised version will be prepared for members to consider at their next meeting.

Part 4 Overview and Scrutiny Procedure Rules

- 3.6 The current rules are attached at Appendix 3 and deal with arrangements for meetings, work programme and setting the agenda, rights to information, attendance by cabinet members and officers and the procedure for calling-in executive decisions. The role of Overview Committees in supporting policy development, scrutinising performance and cabinet

decisions generally, as well the frequency of meetings is considered elsewhere on the agenda. It is therefore proposed that revision of these rules is deferred to await the outcome of those deliberations.

Part 4 Budget and Policy Framework Procedure Rules

- 3.7 The current rules are attached at Appendix 4 and deal with the process for developing the budget and policy framework within which the Cabinet works. The rules are intended to give non-cabinet members the opportunity to support, review and scrutinise the Council's policy framework which is set out in Article 4 and therefore link into the Overview and Scrutiny Rules. Proposed changes to these rules will be brought to the next meeting with a view to streamlining the process and clarifying when a lighter touch can be applied to minor amendments and annual updates.

4 Consultation

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

5 Options

The Committee can decide whether to agree the proposed revisions as set out in the attached documents and suggest alternatives.

6. Corporate Implications

Financial – There are no financial implications arising directly from this report but the Committee is being invited to review the financial thresholds for making Key Decisions

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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