

<b>SUBJECT:</b>	Annual 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 <a href="mailto:jswift@chiltern.gov.uk">jswift@chiltern.gov.uk</a> Tel: 01494 732761
<b>WARD/S AFFECTED</b>	None

### 1. Purpose of Report

To undertake an annual review of the Constitution to ensure it remains up to date and fit for purpose.

#### RECOMMENDATION

**That the Committee consider and agree the proposed revisions to the Constitution as set out in the report.**

### 2. Reasons for Recommendation

Following the detailed review of the Constitution carried out in 2016/17 the Council agreed to undertake annual reviews to ensure it remains up to date and fit for purpose.

### 3. Content of Report

- 3.1 A full review of the Constitution was undertaken by the Committee in 2016/17 and an updated version came into effect in June 2017. This review took account of legislative changes since the previous review in 2010, revised committee and cabinet arrangements agreed by the previous Constitutional Review Committee and Full Council in 2015, as well as incorporating shared working arrangements with South Bucks District Council in place at the time. In view of the recent update further substantial revisions should not be necessary on an annual basis. However, when adopting the revised Constitution Full Council agreed that it should be the subject of annual review by this Committee to ensure it remains fit for purpose and up to date.
- 3.2 There have been some organisational changes since last June which need to be reflected in the Constitution and also some amendments are required to clarify/update provisions. These are listed below under the relevant Part and Section of the Constitution and where necessary will be explained in more detail by the monitoring officer at the meeting.
- **Part 2 Section A Committee Organisational Structure**  
The details of Cabinet portfolios need to be updated to delete Sustainable Development and insert Planning and Economic Development

- **Part 2 Section B Article 9 Audit and Standards Committee**

Delete reference in the Committee's terms of reference to dealing with politically restricted posts under the Local Government and Housing Act 1989. This was repealed by the Localism Act 2011 and the functions passed to the Head of Paid Service.
- **Part 2 Section B Article 11 Responsibilities of Directors**

Insert Planning and Economic Development under the Director of Services responsibilities
- **Part 3 Section B Responsibility for Functions – Council**

To clarify that not all the Council functions listed in the Functions and Responsibilities Regulations are the responsibility of the District Council it is proposed to insert the following words in the heading at 2.1 "in so far as the functions are not the responsibility of any other local authority".
- **Part 3 Section C Responsibility for Functions – Cabinet**

The latest agreed list of cabinet portfolios needs to be inserted in this section.
- **Part 3 Section G Terms of Reference of Standing Committees**

The terms of reference of Planning Committee need to be amended to reflect an agreed move to 4 weekly meetings which reduces the number of meetings per year from 16 to 14.
- **Part 4 Section A Council Procedure Rules**

To reflect the practise of presentations by external speakers being given at the beginning of ordinary meetings of the Council it is proposed to renumber presentations from item 7 to item 2 in the order of business (i.e. after the election of a Chairman should this prove necessary).
- **Part 4 Section G Contract Procedure Rules**

These rules are reviewed regularly by the Audit and Standards Committee and any revisions will be referred to Full Council separately for approval.
- **Part 5 Section A Code of Conduct**

The Audit and Standards Committee reviewed the wording of the Code of Conduct at their last meeting and supported the insertion of the following wording in paragraph 6 to clarify the effect of declaring a personal interest - " (6) Having declared a personal interest you may continue to speak and vote on the item of business concerned". It is therefore recommended that the Committee supports this addition.
- **Part 6 Scheme of Members' Allowances**

The Independent Remuneration Panel is currently meeting to review and make recommendations on the Scheme of Allowances for 2018/19 and this will reported separately to Full Council for approval.

- **Part 7 Staff Structure and Scheme of Delegations of Officers**

The delegations need updating to replace references to the Head of Sustainable Development with the Head of Planning and Economic Development.

The delegations to the Head of Healthy Communities need to include reference to the classification of films under the Licensing Act 2003 following approval of a policy on film classification by Licensing Committee.

The delegations to the Building Control Manager need to include provisions for the Principal Building Control Surveyor to act in the absence of the Manager to ensure resilience within the service.

3.3 Members of the Committee are also invited to consider if there are any other revisions that should be considered/ proposed as part of this annual review.

#### **4. Consultation**

The Committee is asked to consider whether it is appropriate to consult on any of the proposed revisions with members more widely, either via committees/cabinet or individually.

#### **5. Options**

The Committee is being invite to consider and agree the revisions to the Constitution and can suggest further changes if considered appropriate.

#### **6. Corporate Implications**

Financial – There are no financial implications arising directly from this report.

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**

Proposed changes will be reported to Full Council on 28 February 2018 and Cabinet on 6 February 2018 for approval.

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