

<b>SUBJECT:</b>	Establishment of a Constitution and Governance Committee
<b>REPORT OF:</b>	Head of Legal and Democratic Services
<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 consider establishing a committee with authority to consider and advise Full Council on revisions/updates to the Constitution and deal with requests for Community Governance Reviews, electoral issues and council functions not delegated to existing committees.

#### RECOMMENDATIONS

- 1. That pursuant to section 101 of the Local Government Act 1972 the Council agrees to establish a Governance and Electoral Arrangements Committee with the terms of reference and membership as set out in Appendix 1 to this report**
- 2. That the Scheme of Members Allowances be amended to include a Special Responsibility Allowance for the Chairman of a Governance and Electoral Arrangements Committee and the Independent Remuneration Panel be consulted on the level of the allowance**
- 3. That the Constitution be amended to reflect the above changes**

### 2. Reasons for Recommendation

To provide an open and transparent process for keeping the Council's Constitution under review and recommending any revisions to Full Council and to deal with the Council's statutory functions in respect of community governance reviews, electoral issues and other matters not currently delegated to any committee.

### 3. Content of Report

- 3.1 Under the Local Government Act 2000 and accompanying Functions and Responsibilities Regulations adopting and amending the Council's Constitution is reserved to the Council, together with functions under the Local Government and Public Involvement in Health Act 2007 (as amended) dealing with community governance reviews and the Electoral Registration and Administration Act 2013 dealing with electoral issues. Currently these functions have not been delegated to a committee of the council for consideration and therefore all matters are reported direct to Full Council for decision without the opportunity for prior review, or the formulation of recommendations, by members in committee.
- 3.2 Best practice is to delegate these powers to a committee which at CDC is called Governance and Electoral Arrangements Committee but elsewhere is often a General Purposes

Committee or Constitutional Review Committee. Draft terms of reference for such a Committee are attached at Appendix 1 for consideration.

- 3.3 A new committee would keep the Constitution under review and on an annual basis (or more frequently if necessary), report to Full Council on any proposed updates or revisions.
- 3.4 For other governance and electoral matters the Committee would have full delegated authority to make decisions.
- 3.5 The Committee would meet on an ad hoc basis as and when necessary and the proposed membership is 6 with a quorum of 3. As this is a committee of the Council the membership must be follow political proportionality rules.

**4. Options Considered**

No other options considered apart from retaining the current arrangements.

**5. Consultation**

None undertaken.

**6. Corporate Implications**

Financial – An SRA would be payable to the Chairman of the Committee but on the basis this would be at a similar level to the current SRA for the Chairman of Audit Committee this can be met from within existing budgets  
Legal – As set out in the report  
Risks issues – None specific  
Equalities - None specific

**7. Links to Council Policy Objectives**

There are no direct links to the policy objectives. But a transparent and effective decision-making process accords with best practice and good governance generally.

**8. Next Steps**

If agreed the Independent Remuneration Panel would be asked to consider the level of SRA and membership could be appointed at the Council Meeting.

<b>Background Papers:</b>	None except those referred to in the report
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## Appendix 1

### GOVERNANCE AND ELECTORAL ARRANGEMENTS COMMITTEE

#### 1 General

A Committee of the Council established to monitor and review the operation of the Council's Constitution and political management arrangements, deal with election and electoral matters and the review of parishes, deal with urgent matters requiring a decision of the Council and any matter which is not within the responsibility of the Cabinet and which falls outside the terms of reference of any other Committee or officer delegation.

#### 2 Membership, Chairmanship and Quorum

Number of Members	Six
Substitute Members Permitted	Yes
Political Balance Rules apply	Yes
Appointments/Removals from Office	By resolution of full Council
Restrictions on Membership	None
Restrictions on Chairmanship/Vice-Chairmanship	None
Quorum	Three
Number of ordinary meetings per Council Year	Meetings will be called as required
Standing Sub-Committees	None

#### 3. Matters Delegated for Decision

- 3.1. To monitor and keep under review the operation of the Council's constitution and political management arrangements
- 3.2. To deal with election and electoral matters
- 3.3. To exercise functions in relation to parishes, parish meetings and parish councils including changing the name of a parish
- 3.4. To take any necessary action to enable recommendations to be made in respect of the matters listed at 4.1 below which are reserved to the Council
- 3.5. To make, amend or revoke byelaws
- 3.6. To deal where legally permissible, with any matter including the authorisation of legal proceedings which requires a decision of the Council and which cannot reasonably be dealt with in the normal cycle of meetings (see also Note below)
- 3.7. To deal with any matter which, by virtue of the Local Authorities (Functions and Responsibilities) (England) Regulations from time to time in force or any other statutory provisions, cannot be the responsibility of the Cabinet and does not fall within the terms of

reference of any other committee or within the Scheme of Officer delegations.

#### **4 Matters Reserved to Full Council**

##### 4.1 Approval of:-

- a) Proposals to change the District's warding arrangements
- b) Final recommendations from a Parish Review
- c) Proposals to change the name or boundaries of the District
- d) The promotion of, or opposition of, national, local or private bills
- e) Changes to the Constitution

#### **NOTE:**

The Chief Executive or his/her nominee or the Head of Legal and Democratic Services, after consultation with the Chairman of the Committee must certify the reasons for urgency in respect of each item determined under paragraph 3.6 above. Reports to the Committee must also specify the reason for the urgency