

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 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 Chiltern 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 last review of the Constitution took place in 2014/15 and the current version of the Constitution came into force at the Annual Meeting on 26 May 2015. It does therefore need updating to incorporate changes agreed by Council since 2015, as well as legislative changes and new joint working arrangements with Chiltern District Council.
- 3.3 The Governance and Electoral Arrangements Committee has been established to monitor and review the operation of the Council's Constitution, as well as dealing with electoral issues. The final approval of any 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 February 2018.
- 3.4 The Constitution is currently divided into the following 7 parts each with a number of sub-sections :-

- the Framework of the Constitution with an overview of the various roles, functions and decision-making processes;
- Procedural Rules covering the operation of full council, cabinet and overview and scrutiny, together with contract and financial procedures (now jointly adopted with CDC)
- Codes, Protocols and Procedures such as the members' Code of Conduct, protocol on member/officer relations and guidance on Planning Matters
- the Scheme of Members Allowances
- Schemes of Delegation to committees, cabinet and officers
- Partnerships including details about the Chiltern and South Bucks Strategic Partnership and Buckinghamshire and Thames Valley LEP
- A Decision Structure Chart

3.5 In view of the volume and complexity of these documents it is proposed to divide the project into manageable stages to ensure that issues and required/proposed 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 document is reviewed to make it more accessible to those reading on-line via the intranet, iPads 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 CDC where appropriate for the effective running of joint 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

- changes to the Council's current political management arrangements (i.e. to the number and size 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 practicable
- 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. Any implications arising out of specific revisions will be brought to the Committee’s attention during the course of the project

Legal – As set out in the report

Risks issues – The lack of an up to date 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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