



# Report to Audit and Governance Committee

**Date:** 24 March 2021

**Title:** Review of the Constitution

**Author and/or contact officer:** Nick Graham Service Director Legal and Democratic Services  
nick.graham@buckinghamshire.gov.uk

**Ward(s) affected:** none specific

**Recommendations:** Committee is asked to:-

- 1. Note and provide comments on the proposals for changes to the Constitution.**
- 2. Resolve the constitutional changes, with any proposed amendments, within the remit of the Committee are referred to the Standards and General Purposes Committee for recommendation to full Council.**

**Reason for decision:** To provide recommendations to Council to update the Constitution to allow better and more transparent decision-making.

## Content of report

- 1.1** Under s9P Local Government Act 2000 the Council is required to prepare and keep up to date a Constitution containing the standing orders of the Council and such other information as is required or is desirable. On 27 February 2020 Buckinghamshire Council Shadow Authority adopted the Buckinghamshire Council Constitution to have effect from 1 April 2020. It was also resolved that the Constitution would be reviewed in April 2021 to ensure the Council's operation as a new authority was properly supported and governed by the Constitution.
- 1.2** Audit and Governance Committee has responsibility to maintain an overview of those aspects of the Council's Constitution which relate to decision-making, Contract Procedure Rules and Financial Procedure Rules. Any required changes are to be referred to the Standards and General Purposes Committee for recommendation to full Council. In addition the Monitoring Officer has delegated powers to make minor amendments and has done so to ensure consistency, correct minor errors and to reflect updated legislation, including in relation to coronavirus.

- 1.3 This report is to bring the results of the review into the Constitution to the Committee for consideration and, where appropriate, referral to the Standards and General Purposes Committee for recommendations to change to be made to full Council.
- 1.4 A members working group consisting of the Chairmen and Vice-chairmen of both this Committee and Standards and General Purposes Committee has met a number of times to consider proposed changes and provide initial comments. Feedback from appropriate members and officers to the proposals has also been obtained.
- 1.5 The suggested areas for change and recommendation are set out in Appendix A. Some of the changes are set out in detail while others are in principle to allow drafting of proposed changes to take account of member feedback, both at Committee stage and at full Council.
- 1.6 Whilst this Committee does not have responsibility for all of the proposals, any comments on those proposals outside of its terms of reference are nevertheless welcomed, especially where they may overlap with governance issues. Comments will be provided to Standards and General Purposes Committee for consideration.
- 1.7 Where the proposed changes are of a detailed nature, require further legal input and/or affect other parts of the Constitution it is recommended that in principle approval is provided. It is anticipated that full Council would authorise the Monitoring Officer to finalise the drafting of the changes with the approval of the Constitution Working Group.
- 1.8 The review of the Constitution also includes a review of the Councillor Code of Conduct which has co-incided with the publication of a Model Code of Conduct by the Local Government Association in response to recommendations by the Committee on Standards in Public Life. This comes within the remit of the Standards and General Purposes Committee. It has already had initial consideration and will be considered by the Standards and General Purposes Committee together with any referrals from this Committee at a special meeting in April.

### Other options considered

- 1.9 The proposed changes are considered desirable to allow the Council to operate more effectively, however recommendation to full Council could also be delayed to allow greater feedback on the proposed changes.

### Legal and financial implications

- 1.10 None except as set out in the body of the report.

## Corporate implications

- 1.11 The effectiveness of the Constitution is central to the operation of the Council as a whole and supports transparency, governance and good decision making. Reviews to ensure the Constitution is fit for purpose and effective should be undertaken regularly.

## Consultation and communication

- 1.12 The Constitution will be updated on the Council's website and will be communicated to members and officers when appropriate to ensure the correct procedures are being used.

## Next steps and review

Finalise drafting where appropriate and either request further feedback or recommend to full Council.

## Background papers

None

## Your questions and views (for key decisions)

If you have any questions about the matters contained in this report please get in touch with the author of this report. If you have any views that you would like the cabinet member to consider please inform the democratic services team. This can be done by telephone 01296 382343 or email [democracy@buckinghamshire.gov.uk](mailto:democracy@buckinghamshire.gov.uk)

