



Report to Standards and General Purposes Committee

Date: 8 April 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 to recommend the proposals for changes to the Constitution, with any amendments, 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 The power to change the Constitution is reserved to full Council via recommendation of this Committee although the Monitoring Officer also has delegated authority to make minor amendments where appropriate.
- 1.3 A Constitution Members Working Group consisting of the Chairmen and Vice-chairmen of both this Committee and the Audit and Governance Committee has met a number of times to consider proposed changes and provide initial comments to help inform

the review of the Constitution as required by full Council. Feedback from appropriate members and officers to the proposals has also been obtained.

- 1.4 As the Audit and Governance Committee has responsibility to maintain an overview of those aspects of the Council's Constitution which relate to decision-making, the Contract Procedure Rules and the Financial Procedure Rules, proposals for changes to the Constitution, apart from the Code of Conduct, were presented to the Audit and Governance Committee on 24 March 2021. The proposals were approved without amendment for referral to this Committee and are attached as Appendix A.
- 1.5 This Committee has responsibility for matters connected to councillor standards and ethics and recommending changes to the Constitution to full Council. A report relating to the adoption of the Local Government Association Model Code of Conduct was considered by this Committee on 25 February 2021 and various changes requested. The proposed updated Code of Conduct is attached as Appendix B.
- 1.6 This Committee is being asked to consider the results of the review and the proposed changes set out in Appendices A and B, and to make a recommendation to full Council that the proposals to be adopted.
- 1.7 The Committee will note that 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, further legal input or ensure other affected parts of the Constitution can be amended accordingly. It is anticipated that full Council would authorise the Monitoring Officer to finalise the drafting of the changes with the approval of the Constitution Members Working Group.

Other options considered

- 1.8 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

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

Corporate implications

- 1.10 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

- 1.11 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

