



# Report to Full Council

**Date:** 21 July 2021

**Title:** Review of the Constitution

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

**Recommendations:** Council is asked to resolve:-

- 1. To adopt the proposals for changes to the Constitution detailed in Appendix A relating to the Councillor Code of Conduct.**
- 2. That the Monitoring Officer has delegated authority to amend the Constitution.**

**Reason for decision:** To update the Constitution to include an updated Councillor Code of Conduct and enhance public accountability and confidence in councillors.

## 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.
- 1.2 The power to change the Constitution is reserved to full Council via recommendation from the Standards and General Purposes Committee. The Monitoring Officer also has delegated authority to make minor amendments where appropriate.
- 1.3 The Standards and General Purposes Committee has oversight of the standards framework for councillors and the Councillor Code of Conduct. The Code of Conduct is part of the Constitution and on 25 February 2021 the Standards and General Purposes Committee considered the Local Government Association Model Code of Conduct as a replacement for the current Code of Conduct. Whilst in general agreement with the Model Code some amendments were required before it would be recommended as a replacement Code for Buckinghamshire Council.

- 1.4 The suggested amendments related mostly to retaining the current treatment of declarations of interests and subsequent participation.
- 1.5 The Standards and General Purposes Committee considered that as the replacement Code was based on a model code drafted by the Local Government Association and is likely to be adopted by Town and Parish Council's in the area this would have the benefit of creating a consistent Code for the behaviour of all councillors in the Buckinghamshire Council area. This would in turn lessen confusion over differences in the content of different Codes for Buckinghamshire Council members who were also Town or Parish Councillors and, together with the explanations in the model Code, would foster more consistent decisions on Code of Conduct complaints.
- 1.6 The proposed replacement Code of Conduct also incorporates some best practice recommendations of the Committee on Standards in Public Life. Although these were already being followed, it is considered that the inclusion in the Code of Conduct and accordingly the Constitution is more appropriate.
- 1.7 On 8 April 2021 the Standards and General Purposes Committee resolved to recommend to full Council that a new Councillor Code of Conduct is adopted and replaces the current Code of Conduct at Part H Section 2 of the Constitution.
- 1.8 The recommendation was put forward to full Council on 21 April 2021 however as the proposed new Code of Conduct was not included in the agenda no decision was made and this report represents the re-submission of the recommendation. The proposed replacement Councillor Code of Conduct is therefore attached as Appendix A to this report.

### Other options considered

- 1.9 To continue with the current Code of Conduct. This was not recommended as the proposed Code of Conduct is considered easier to read and understand and includes the best practice updates briefly referred to.

### 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 Councils standards arrangements is necessary for good governance and contributes to the effectiveness of the Members to represent and support both the Council and its residents and service users.

## 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

Update the Constitution.

## 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)

