



Report to Audit & Governance Committee

Date:	22 March 2022
Title:	Review of the Constitution
Cabinet Member(s):	Councillor John Chilver, Cabinet Member for Finance, Resources, Property & Assets
Contact officer:	Nick Graham, Service Director Legal and Democratic Services, nick.graham@buckinghamshire.gov.uk
Ward(s) affected:	None specific
Recommendations:	The Committee is recommended:- <ol style="list-style-type: none">1. To note and endorse the proposed changes to the Constitution as set out in Appendix 1;2. subject to any changes proposed by the Standards & General Purposes Committee which meets on the 14 April 2022, to recommend that Full Council adopt the proposed changes;3. to recommend to Full Council the appropriate delegations to the Monitoring Officer, in consultation with the Members' Constitutional Working Group, to finalise the textual changes to the constitution following approval of the principles as set out in Appendix 1.
Reason for decision:	To give effect to proposed updates to the Council's Constitution to allow for better and more transparent decision-making.

1. 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. Buckinghamshire Council's Constitution was effective as from 1 April 2020 and is regularly reviewed to ensure the Council's operation is properly supported and governed by the Constitution. The last review took place in April 2021.
- 1.2 Oversight of the Constitution is shared between the Audit and Governance Committee and the Standards and General Purposes Committee. 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 amendments to ensure the Council conducts itself lawfully, and minor amendments where appropriate.
- 1.3 A Constitution Members Working Group consisting of the Chairmen and Vice-chairmen of both the Audit and Governance Committee and the Standards and General Purposes 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 The Committee will note that within Appendix 1 the changes are set out in principle to allow drafting of the 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 therefore recommended that the Monitoring Officer determines the final wording of the in-principle proposals and any associated/incidental amendments with the approval of the Constitution Working Group, and to then change the Constitution accordingly together with any other necessary incidental amendments.

2. Other options considered

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

3. Legal and financial implications

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

4. Corporate implications

- 4.1 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.

5. Local councillors & community boards consultation & views

- 5.1 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.

6. Next steps and review

- 6.1 A similar paper will be presented to the Standards & General Purposes Committee and, if endorsed, to Full Council.

7. Background papers

- 7.1 None.

8. Your questions and views (for key decisions)

- 8.1 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

