



Report to Full Council

Date:	27 April 2022
Title:	Review of the Constitution
Lead Member:	Councillor Broom, Chairman – Standards and General Purposes Committee
Author and/or contact officer:	Nick Graham Service Director Legal and Democratic Services nick.graham@buckinghamshire.gov.uk
Ward(s) affected:	none specific
Recommendations:	Council is asked to resolve:- <ol style="list-style-type: none">1. To adopt the recommended proposals for changes to the Constitution detailed in Appendix 1.2. That the Monitoring Officer has delegated authority to determine the final amendments in relation to any in principle proposals which are adopted with the approval of the Constitution Members Working Group.3. That the Monitoring Officer has delegated authority to amend the Constitution with the adopted proposals and the final amendments of in principle proposals together with any associated necessary incidental amendments.
Reason for decision:	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. The constitution was reviewed in April 2021.

- 1.2 Oversight of the Constitution is shared between the Audit and Governance Committee (in relation to decision making, the Contract Procedure Rules and the Financial Procedure Rules) and the Standards and General Purposes Committee (ethics and standards and the operation of the Code of Conduct).
- 1.3 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.
- 1.4 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.
- 1.5 The proposals for changes to the Constitution in Appendix 1 were presented to the Audit and Governance Committee on 22 March 2022. The proposals were approved without amendment and referred to Standards and General Purposes Committee.
- 1.6 On 14 April 2022 the Standards and General Purposes Committee considered the proposals and resolved to recommend to full Council that the Constitution be updated as detailed in Appendix 1 to this report.
- 1.7 Comments made in relation to the proposals have been incorporated into Appendix 1 attached to this report.
- 1.8 Council 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. The Standards and General Purposes Committee therefore also resolved to recommend that full Council delegates authority to the Monitoring Officer to determine 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.

Other options considered

- 1.9 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.

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 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