



Report to Standards and General Purposes Committee

Date:	19 October 2023
Title:	Review of the Constitution
Author and/or contact officer:	Nick Graham, Service Director, Legal and Democratic.
Ward(s) affected:	None specific
Recommendations:	To note
Reason for decision:	

To update the Committee on reviews to the Constitution.

1. Background

- 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.
- 1.2 There is a rolling review of the Constitution to ensure that it remains relevant and appropriate to ensure the Council's operation as a new authority was properly supported and governed by the Constitution. However this will be supplemented by a more in depth consideration by members of the changes to the Constitution that will be required as a result of the recent Electoral Review.
- 1.3 Changes to the Constitution are reserved to full Council. Changes relating to ethical or conduct matters are considered by this Committee who will then recommend changes to full Council. Changes in relation to any other matter are considered by the Audit and Governance Committee who will then resolve to recommend that this Committee recommend the proposed changes to full Council.

- 1.4 The Monitoring Officer also has delegated powers to update the Constitution to reflect changes in legislation or legal requirements and to make minor amendments such as clarifications or corrections.
- 1.5 Changes to the Constitution have been approved by full Council in April 2021 which were implemented. Further changes were approved by full Council in April 2022. These changes were in principle with delegated authority to the Monitoring Officer to determine the final amendments with the approval of the Constitution Members Working Group.

2. Update on changes to the Constitution

Changes approved by Council

- 2.1 In April 2022 full Council approved the proposed changes set out in Appendix 1 to the report of the Standards and General Purposes Committee.
- 2.2 All the changes were considered by the Members Working Group and extensive discussion has taken place on both the requirements and implementation. As a result the wording for all the changes has been agreed except for:
 - *Strengthen provisions in the Constitution to requiring officers to share information with local Members about issues impacting their areas.*
 - *To provide for draft recommendations of planning officers on planning applications to be shared with local Members.*

In addition the Terms of Reference for the Community Boards has been drafted and is waiting for comments on minor points.

Further work on the above areas and the appropriate textual amendments are being undertaken by the Working Group.

Changes made or to be made by the Monitoring Officer

- 2.3 Update of the Members Allowance Scheme in line with inflation
- 2.4 Update to take account of replacement of Public Health England by UK Health Security Agency and Office for Health Improvement and Disparities
- 2.5 Update to take account of change of name of Integrated Care Partnership to Integrated Care Board
- 2.6 Update to the Contract Procedure Rules (after comment by the Members Working Group)

Proposals for changes to the Constitution

- 2.7 The Members Working Group has discussed further proposals for recommendations relating to planning and nomination of chairman by officers. The Group will also consider whether recommendations are needed in relation to petitions.
- 2.8 It is also intended to put forward changes to the Licensing Sub-Committee procedure rules for recommendation together with any other potential changes or issues which are raised.

3. Next steps and review

- 3.1 Members had originally required that all constitutional changes were made together in order to limit the need to reprint hard copies after individual updates. Given the number of changes now finalised and waiting to be made the Constitution will be updated and re-published.
- 3.2 There have been 2 versions of the Constitution published identified by a dated footnote. For ease as well as a date the version number will also be included in the footnote.

4. Legal and financial implications

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

5. Corporate implications

- 5.1 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.

6. Background papers

- 6.1 Report to Council 27 April 2022

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