

12 June 2019**Agenda Item: 14**

REPORT OF THE MONITORING OFFICER

REVIEW OF COUNCIL CONSTITUTION

Purpose of the Report

1. To set out the proposed scope of work to be undertaken as part of a review of the Council's constitution and to identify the resource implications and proposed timescales for the review.

Background

2. At its meeting on 16 May, County Council commissioned the Monitoring Officer to undertake a review of the Council's constitution; subject to Governance and Ethics Committee approving the scope of the review and having oversight of the project throughout.
3. The Council's constitution was fully reviewed in 2012 when the Council changed from executive arrangements to the committee system form of governance. The Financial Regulations, which form part of the constitution were reviewed in 2015. The Committee structure was updated in May 2017 and Communities and Place Review Committee was added in September 2018. There have been other minor amendments and updated, however it is now some time since the document has been reviewed more comprehensively.
4. The objective of the review will be to modernise the document and ensure that it is clear and user-friendly for all. Particular emphasis will be given to Full Council and committee procedure rules; to facilitate the smooth and efficient running of meetings.

Information

5. The proposed scope of the review will focus on rules of procedure as envisaged by County Council. The scheme of delegation to officers will be reviewed to ensure that the current wording provides clarity over roles and responsibilities and the limits of individuals' authority. In addition, the review will ensure that any governance changes required to reflect the recent review of outside bodies are captured.
6. From a financial perspective, the wording of the Property section of the Financial Regulations will be reviewed along with the wording relating to procedures for both officers and members notifying offers of gifts and hospitality and officers' declarations of interest.
7. The review will also carry out a check for consistency where issues are referenced in more than one place to avoid any potential for confusion or problems with interpretation. At the same time consideration will be given to whether indexing the document could be readily

achieved without the need to completely re-write the entire document which would be extremely onerous.

8. At this stage it is not proposed to undertake a review of the entire document and therefore the following are proposed to be out of scope (except for any consequential amendments arising out of any of the elements of the review which are in scope):
 - a. the full Financial Regulations unless advised by the S.151 Officer
 - b. terms of reference for Committees
 - c. Councillors code of conduct (as this was reviewed only last year)
 - d. Councillors allowances scheme
 - e. Travel and Accommodation Policy.
9. The nature, extent and outcomes of the review will be considered and agreed by Governance and Ethics Committee. The Committee will receive update reports on progress and make recommendations to full Council for final approval of any changes to the Constitution.

Resourcing

10. This is dependent on the scope of the review and the desired timescales but may require some additional capacity in Democratic Services to undertake the work involved.
11. It is proposed that a core officer Project Team is established to develop the work streams and undertake the detailed work required with oversight from the Monitoring Officer reporting to Governance and Ethics Committee. This team would largely be made up of officers from Legal and Democratic Services with a standing invitation to the Group Manager for Internal Audit. Cross council input would be sought as required from colleagues in HR, Finance, Property and other Service Departments, most likely as critical friend reviewers of content relevant to their areas where appropriate.

Other Options Considered

12. Not to undertake a review; Governance and Ethics Committee will have oversight and by considering the scope will ensure that the scale of the project is proportionate and a good use of resources.

Reason/s for Recommendation/s

13. To ensure that the Council's constitution is modern and user friendly and facilitates the Council in decision-making and ensuring sound governance.

Statutory and Policy Implications

14. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

15. It is currently envisaged that the work for the review can be contained within available resources, however if some temporary additional capacity is required in Democratic Services the costs of this will be met within Chief Executive's Departmental budgets.

RECOMMENDATIONS

It is recommended that:

- 1) Members agree the scope of the constitution review as set out in paragraphs 5-9 of the report.

Marjorie Toward

Service Director, Customers, Governance and Employees and Monitoring Officer

For any enquiries about this report please contact:

Heather Dickinson, Group Manager, Legal, Democratic and Complaints (Ext 74835)

Constitutional Comments (HD – 31/5/2019)

16. The decision falls within the remit of Governance and Ethics Committee which was tasked with oversight of the review by Full Council.

Financial Comments (RWK 03/06/2019)

17. There are no specific financial implications arising directly from the report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

Electoral Division(s) and Member(s) Affected

- All