

REVIEW OF HEREFORDSHIRE COUNCIL CONSTITUTION

Report By: Assistant Chief Executive - Legal and Democratic

Wards Affected

County-Wide

Purpose

- 1 To inform Council of the process for reviewing the Council's constitution.

Reasons

- 2 All Councils are required by law to prepare and keep up to date a constitution that explains how the Council makes decisions and the procedures that are followed.
- 3 Council is requested to note the report.

Considerations

- 4 The Constitution is the Council's foremost document which sets out how the Council operates, how decisions are made and the procedures which are followed to make sure they are efficient, transparent and accountable. Whilst many aspects of the Constitution are required by law, the Council does have discretion over other processes. It has been recognised that due to a number of drivers for change (including changes to national legislation, the revised Code of Corporate Governance and Council's express wish that its processes and protocols are effective, appropriate clear, and enable effective participation) the Constitution requires a thorough revision to ensure its relevance and robustness, whilst also ensuring that it is in line with, and enable the delivery of the Council's ambitions.
- 5 To enable an independent revision of the Constitution, Inlogov has been appointed to work with the authority to undertake this review. As a well regarded local government focussed organisation, Inlogov is well placed to draw on existing best practice, analyse views from the authority and ensure that the wider context around local government is considered in the drafting of a revised constitution.
- 6 The following stages of development have been identified (December 2008 – May 2009)
 - Undertaking a comprehensive comparative study of Constitutions from relevant authorities
 - Conducting interviews with relevant elected members, officers and related stakeholders and reviewing documentation in light of these interviews

- Development of a draft modular constitution for discussion incorporating alternative models of best constitutional practice
- Refinement of draft constitution
- Technical and legal check
- To propose the adoption of a revised constitution to Annual Meeting of Council on 22 May 2009

Legal Implications

- 7 All councils are required by law to prepare and keep up to date a Constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to make sure that they are efficient, transparent and accountable.

Financial Implications

- 8 The work can be resourced from within existing budgets.

RECOMMENDATION

THAT: Council note the process which will support the review of the Constitution.