

<b>MEETING:</b>	<b>COUNCIL</b>
<b>DATE:</b>	<b>24 JULY 2009</b>
<b>TITLE OF REPORT:</b>	<b>A NEW CONSTITUTION FOR HEREFORDSHIRE COUNCIL – TIMETABLE AND PROCESS</b>
<b>REPORT BY:</b>	<b>ASSISTANT CHIEF EXECUTIVE – LEGAL AND DEMOCRATIC</b>

**CLASSIFICATION:** Open

### **Wards Affected**

County-wide

### **Purpose**

The report seeks Council's approval to a process and timetable for the development and adoption of the Council's new Constitution.

### **Key Decision**

This is not a Key Decision

### **Recommendations**

**THAT Council:**

- (a) requests that the Monitoring Officer in consultation with the Constitutional Review Working Group develops a new Constitution for Herefordshire Council in accordance with the brief (Appendix 1), process and timetable (Appendix 2) outlined in this report;**
- (b) requests the Monitoring Officer and the Constitutional Review Working Group consider the constitutional areas set out in Appendix 3 and have regard to the impact of the work set out in Appendix 4 and any imminent or pending legislative or other changes;**
- (c) requests that the Monitoring Officer present a report and new Constitution for consideration and agreement by the Council at its next meeting**

## **Key Points Summary**

This report

- a. Explains the background and context for the development of a new Constitution
- b. Explains the purpose of the new Constitution and proposes that the Monitoring officer's brief for doing this work is aimed at achieving that purpose
- c. Explains some of the key constitutional provisions that require consideration
- d. Explains the process and the timetable for developing and agreeing the new Constitution

## **Alternative Options**

1. The alternative is that the Council does not agree the recommendation and decides to retain its existing Constitution. The Council could decide to review and amend its current Constitution. The Council could amend the brief, the process or the timetable for the development and agreement of its new Constitution.

## **Reasons for Recommendations**

2. The Council Leader, the Constitutional Working Group and other Councillors have indicated that the current Constitution is not fully effective and the Joint Management Team and other Council officers have indicated that the current arrangements are in need of review. The current Constitution is in a format that does not lend itself to ease of use or interpretation and it does not follow the model Constitution for the Leader and Cabinet style of local government. There are some areas that are unclear and some areas that need to be amended to ensure that the Constitution reflects best governance practice.

## **Introduction and Background**

3. Given that the Council agrees that its current Constitution needs to be replaced, it is important that the Council agrees a process and a timetable for the development and agreement of a replacement.
4. It was intended that the council would be asked to approve Parts 1-3 of its new Constitution and some initial changes to procedure at this meeting. Consultation with members and a discussion at the Constitutional Review Working Group resulted in a proposal to delay implementation of any changes and to follow a planned process leading to presentation of the new Constitution to the next Council meeting on 13<sup>th</sup> November 2009.
5. It is proposed that the Interim Assistant Chief Executive – Legal and Democratic should lead the development work and working closely and in consultation with the Constitutional Working Group should present a new Constitution to the Council at its next meeting.
6. The purpose and brief for this work is set out at Appendix 1.

7. The process and timetable for that work is set out at Appendix 2.
8. The list of key constitutional areas that have already been identified for consideration is at Appendix 3.
9. There are already a number of areas of activity underway within the Council that may result in developments that might impact on the Council's constitutional arrangements. Those activities are listed at Appendix 4.
10. There may be other relevant issues to consider. In particular, the Department of Communities and Local Government may issue further regulations and guidance and if so, regard should be had to those matters. Consideration should also be given to best practice guidance and advice from relevant agencies.
11. The Assistant Chief Executive – Legal and Democratic and the Constitutional Working Group should consider those activities and ensure that as far as is practicable they consider that impact during the development of the new Constitution.

## **Appendices**

Appendix 1. - The New Constitution for Herefordshire – Purpose and Brief

Appendix 2. - The New Constitution for Herefordshire – Process and Timetable

Appendix 3. - The New Constitution for Herefordshire – Areas for Potential Changes in New Constitution

Appendix 4. - The New Constitution for Herefordshire – Other Relevant Activities

## **Background Papers**

None