

MEETING:	COUNCIL
DATE:	18 NOVEMBER 2011
TITLE OF REPORT:	THE CONSTITUTION – NEW GOVERNANCE ARRANGEMENTS
REPORT BY:	ASSISTANT DIRECTOR LAW GOVERNANCE AND RESILIENCE

CLASSIFICATION: Open

Wards Affected

County-wide

Purpose

This report proposes that responsibility for the ongoing amendment of the Constitution passes to a standing committee, now that the role of the Constitutional Review Working Group (CRWG) in supporting the development and adoption of the Council's new Constitution has been concluded.

Recommendation(s)

THAT:

- (a) **the remit of the Audit and Governance Committee be extended to cover amendment of the Constitution;**
- (b) **the membership of the Audit and Governance Committee be increased to ten seats, allocated as to 5 (Con) 2 (Ind) 2 (IOC) and 1 (LD);**
- (c) **Parts 2 (Articles) and 3 (The Functions Scheme) of the Constitution be amended as indicated in this report;**
- (d) **the Monitoring Officer be empowered to make any further consequential amendments to the Constitution necessary to give effect to (a) above;**

Key Points Summary

- The CRWG was created following a report to Council on 24 July 2009 to support a process and timetable for the development and adoption of the Council's new Constitution being delivered by the Monitoring Officer
- Now that the major review of the Constitution is complete, it is inevitable that further changes will be required periodically. It is suggested that ownership of such changes should now pass to the Audit and Governance Committee for recommendation to the Council as appropriate.

Alternative Options

1. The previous arrangements could be extended, with the Monitoring Officer bringing forward reports to Council after consultation with a CRWG. This might be considered less transparent, would not be subject to public access, the Access to Information Rules or the rules guaranteeing political proportionality.
2. Responsibility for the Constitution could be given to the Standards Committee. The future of this committee is unclear, following changes to be made in the Localism Bill, and it contains unelected and parish representatives
3. Audit could be separated to create a specialised Audit Committee with a small number of members, with governance and the Constitution becoming the responsibility of a larger Governance and Constitution Committee. This would mean an extra committee and an extra chairman's allowance

Reasons for Recommendations

4. To create a permanent governance structure which guarantees proportional membership for groups and complies with the statutory governance requirements appropriate for a member committee.

Introduction and Background

5. The former CRWG was established by the Council on 24 July 2009. Its role was fulfilled once a major review of the Constitution had been completed.
6. It is suggested that the ongoing work of considering any changes that are required to the Constitution and making recommendations to Council as appropriate be allocated to a standing committee – the Audit and Governance Committee. Its current functions are at Appendix 1. A membership of ten would ensure representation from all groups under the political proportionality rules assuming that Council adopts a convention of rounding up 0.5 and above but rounding down below 0.5. This would produce an allocation of 5 (Con) 2 (Ind) 2 (IOC) and 1 (LD).
7. To give effect to this change, the following amendments to the Constitution are required:-

Part 2 – Articles

2.7.2 add the words “and that the Constitution is reviewed and amended as appropriate”

Part 3 – The Functions Scheme

3.6.3 Audit and Governance Functions

add the words “n. review and make recommendations to Council to amend the Constitution”.

Key Considerations

8. It is important that the Council's governance arrangements provide accountability and transparency of decision making

Community Impact

9. This decision does not have equality implications for the purposes of the Equality Act 2010.

Financial Implications

10. This proposal does not involve the payment or cancellation of any Chairman's allowance

Legal Implications

11. The proposed arrangements are compliant with the Local Government Act 1972 and the Local Government and Housing Act 1989

Risk Management

12. Continuance of the existing working group could lead to a loss of accountability and transparency. Transfer to a standing committee addresses the risk of reputational damage.

Consultees

None

Appendices

Appendix 1 Functions of Audit and Governance Committee

Background Papers

None identified.