

<b>MEETING:</b>	<b>AUDIT &amp; GOVERNANCE COMMITTEE</b>
<b>MEETING DATE:</b>	<b>9 MAY 2014</b>
<b>TITLE OF REPORT:</b>	<b>COUNCIL CONSTITUTION</b>
<b>REPORT BY:</b>	<b>SOLICITOR TO THE COUNCIL</b>

## **Classification**

Open

## **Key Decision**

This is not an executive decision.

## **Wards Affected**

County-wide

## **Purpose**

To note the technical amendments being made to the council's constitution under authority delegated to the Monitoring Officer, and to consider arrangements for further review of the constitution.

## **Recommendations**

**THAT:**

- (a) the technical amendments being made to the constitution summarised at Appendix A be noted; and**
- (b) consideration be given to the establishment of a cross party working group to undertake a further review of the constitution.**

## **Alternative Options**

- 1 There are no alternative options to the amendments being made as they arise either as a result of changes in law, of changes agreed by Council, or are technical changes necessary to maintain the integrity of the constitution.
- 2 Audit & Governance Committee may elect to undertake a further review of the constitution at meetings of the committee or by establishing a working group reporting to the committee.

## **Reasons for Recommendations**

- 3 To comply with legislative and Council requirements.

## **Key Considerations**

- 4 As required by legislation, Council has adopted a constitution which sets out how we operate and how we make decisions. Audit & Governance Committee has been delegated the function of reviewing the constitution and making recommendations to Council; the Monitoring Officer has delegated authority to amend the constitution to reflect what the Council has agreed, changes to the law and technical amendments.
- 5 A summary of the technical changes being made by the Monitoring Officer to bring the constitution up to date is provided at Appendix A. A summary of the changes being made will also be circulated to all council members for information.
- 6 A further review of the constitution is timely given that, from the May 2015 elections the size of the Council will change from 58 members to 54. It would therefore be appropriate to review the composition and functions of ordinary committees of the Council. A number of other procedural matters have been identified for review including some elements of the Council Procedure Rules and the Budget & Policy Framework Rules.
- 7 When undertaking more fundamental reviews of the constitution it has previously been the practice of the authority to establish a cross party working group including group leaders or their representatives; Audit & Governance now has responsibility for undertaking reviews of the constitution and are invited to consider whether they wish to establish a similar working group to inform the development of their recommendations to Council.

## **Community Impact**

- 8 There are no direct impacts arising from the recommendations.

## **Equality and Human Rights**

- 9 There are no direct impacts arising from the recommendations.

## **Financial Implications**

- 10 There are no direct impacts arising from the recommendations.

## **Legal Implications**

- 11 The constitution complies with the requirements of the Local Government Act 2000 (as amended), regulations and guidance. Changes being made to the constitution are in accordance with authority delegated within the council's Functions Scheme.

## **Risk Management**

- 12 If the council's constitution is not accurate, up to date and understood then there is the risk that governance arrangements are not clear and robust. By making the necessary technical amendments and undertaking a review of the constitution mitigate this risk which is recorded on the relevant directorate risk register (ref LGRVR26)

## **Consultees**

13    None

## **Appendices**

Appendix A – Summary of technical amendments being made to the constitution. (To Follow)

## **Background Papers**

- None identified.