

Report to Audit and Governance Committee



Date of Meeting	27 September 2021
Portfolio	Cabinet Member for Finance and Corporate Monitoring Officer
Report Author	Public
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Audit and Governance Work Programme

Executive Summary

1. The Council's Constitution is required to be reviewed annually.
 - 1.1 The Council has established a Democratic Structures and Constitutional Working Party to consider the democratic functions of the Council.
 - 1.2 The Working Party have proposed a wholesale review is undertaken via that forum.

Recommendation

2. That the review of the Constitution is undertaken via the Democratic Structures and Constitutional Working Party.
 - 2.1 That the Chair and Vice Chair of the Audit and Governance Committee attend future meetings of the Democratic Structures and Constitutional Working Party where the review of the Constitution is considered.

Reason for Recommendation

3. The Audit and Governance Committee is the body with responsibility for the constitution. A root and branch review of the Constitution will likely overload the work programme for the Audit and Governance Committee.
 - 3.1 Any recommendations from the Working Party would require consideration by the Audit and Governance Committee prior to submission to Council.

Key Points for Consideration

4. The Council's current Constitution stems from the Modular Constitution developed to meet the requirements of the Local Government Act 2000, which saw the introduction of new executive and scrutiny arrangements for

local authorities. While the Constitution has been amended over the years, its overall structure and key features have remained largely the same.

4.1

The Constitution must contain:

- the standing orders/procedure rules;
- the members' code of conduct;
- such information as the Secretary of State may direct;
- such other information (if any) as the authority considers appropriate.

4.2

A Constitution Direction was issued by the Secretary of State in December 2000 that required around 80 matters to be included within constitutions, including members' allowances schemes, details of procedures for meetings, details of joint arrangements with other local authorities and a description of the rights of inhabitants of the borough.

4.3

Constitutions must be available for inspection at all reasonable hours by members of the public and supplied to anyone who asks for a copy on payment of a reasonable fee.

4.4

The Council's Constitution currently comprises seven parts, many divided into a number of sections, with various schedules throughout those parts

Alternatives Considered

4.5

That the Audit and Governance Committee establish a Sub-Committee to undertake a root and branch review of the Constitution.

Costs and Budget Summary

5. There are no financial implications at this stage.

Risk and Policy Implications

6. A local authority is under a duty to prepare and keep up to date its constitution under s.9P Local Government Act 2000 as amended.

Consultation

7. The Democratic Structures and Constitution Working Party considered the matter at their meeting held on 20 September 2021.

Background Papers	Place of Inspection
8. Report to the Democratic Structures and Constitutional Working Party	Floor 2, Number One Riverside, Smith Street

For Further Information Contact:

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