

19 June 2018

Policy, Projects and Resources Committee

Constitution Working Group

Report of: *Gina Clarke, Corporate Governance Lawyer*

Wards Affected: *None*

This report is: *Public*

1. Executive Summary

1.1 The purpose of this report is for the Committee to consider appointments to the Constitution Working Group (CWG), and an indicative work plan, to enable the Monitoring Officer to consult the Constitution Working Group on the review of the operation of the Constitution.

2. Recommendation(s)

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| <p>2.1 That the composition and appointments to the Constitution Working Group for the Municipal Year 2018/19 as set out in paragraph 4.1 be agreed.</p> <p>2.2 That any necessary changes to the membership of the Constitution Working Group during the Municipal Year 2018/19 are made in accordance with paragraph 4.2.</p> <p>2.3 That members note the indicative work plan at paragraph 4.4 for the review of the Constitution, during the 2018/19 Municipal Year.</p> <p>2.4 Agree that the Regulatory and Governance Committee will lead on work that reviews the constitution, referring to Full Council as appropriate.</p> |
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3. Introduction and Background

3.1 Section 37 of the Local Government Act 2000 requires the Council to prepare, keep up to date and publicise its Constitution.

3.2 Under the terms of the Council Constitution, the Council is responsible for monitoring and reviewing the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

3.3 The Council has agreed that there should be a Constitution Working Group comprising of Members, appointed by and referring up reports to the Council to consider proposed changes to the Council Constitution. Constitution Working Group has no decision-making powers. However, one of the ways in which changes to the Constitution can be considered by Full Council, is following a report and recommendation from the Constitution Working Group and having received advice from the Monitoring Officer. Alternatively, the Regulatory and Governance Committee may receive advice and reports from the Monitoring Officer and similarly may make recommendations up to Full Council for Full Council to resolve that amendments be made to the Constitution.

4. Issue, Options and Analysis of Options

4.1 The Head of Legal Services/Monitoring Officer has engaged with Group Leaders regarding nominations for appointments to the Constitutional Working Group.

Group Leaders have nominated the following Members:

Name	Group
Councillor Louise Rowlands	Conservative
Councillor James Tumbridge	Conservative
Councillor Gareth Barrett	Labour
Councillor Philip Mynott	Liberal Democrat

4.2 Should there be a need to make changes to the membership of the Constitution Working Group during the municipal year, it is anticipated that Group Leaders will communicate to the Monitoring Officer in year of the changes to be made.

4.3 Contained as an appendix to this report is an indicative work plan for the 2018/19 municipal year, with an indication of particular Constitution chapters for consideration either by CWG or the Regulatory and Governance Committee, prior to referral up to Full Council.

5. Reasons for Recommendations

5.1 The Council must have a written constitution which is kept up to date, which sets out how the Council conducts its business and who takes decisions.

5.2 To comply with the requirement in the Constitution, for there to be a Constitution Working Group comprising of Members, appointed by and reporting to the Council to consider proposed changes to the Council Constitution.

6. Consultation

- 6.1 The recommendations of this report have been subject to prior consultation of Group Leaders.

7. Reference to Corporate Plan

- 7.1 The work of the Constitution Working Group contributes to ensuring that the Constitution is fit for purpose. The Constitution sets out how the Council operates, and how decisions are made to achieve the Council's strategic aims.

8. Implications

Financial Implications

Name & Title: Jacqueline Van Mellaerts, Interim Chief Finance Officer

Tel & Email: 01277 312823/jacqueline.vanmellaerts@brentwood.gov.uk

- 8.1 There are no direct financial implications in this report.

Legal Implications

Name & Title: Daniel Toohey, Monitoring Officer & Head of Legal services

Tel & Email: 01277 312860/daniel.toohey@brentwood.gov.uk

- 8.2 As set out in the main body of the report.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

None.

- 9. Background Papers** (include their location and identify whether any are exempt or protected by copyright)

- 9.1 None.

10. Appendices to this report

- 10.1 Appendix A – Indicative Work Plan

Report Author Contact Details:

Name: Gina Clarke, Corporate Governance Lawyer

Telephone: 01277 312874

E-mail: gina.clarke@brentwood.gov.uk