

**24 March 2015**

**Ordinary Council**

**Constitution (Revision)**

**Report of:** Christopher Potter, Monitoring Officer and Head of Support Services.

**Wards Affected:** All

**This report is:** Public

**1. Executive Summary**

- 1.1 The purpose of this report is to seek approval of changes to the Council's Constitution.
- 1.2 This report arises as a result of a review by the Constitution undertaken by the Constitution Working Group and the Monitoring Officer.

**2. Recommendation(s)**

- 2.1 That the Constitution be approved as revised and take effect on and from 25 March 2015.**

**3. Introduction and Background**

- 3.1 The Council is required to keep its Constitution updated.
- 3.2 The Constitution adopted on 15 May 2013 was last formally revised on 2 July 2014.
- 3.3 Various legislative changes has taken place which need to be reflected in the Council's Constitution and some suggestions by way of local choice have also been made.

**4. Issue, Options and Analysis of Options**

- 4.1 The Constitution is in effect the Council's internal rule book and sets out how the Council operates including the allocation of responsibilities.
- 4.2 The Council is required under section 9P of the Local Government Act 2000 to prepare and keep up to date its Constitution which must contain:-

- a copy of the Council's standing orders for the time being;
- a copy of the Council's Members' Code of Conduct for the time being under section 28 of the Localism Act 2011;
- such information as the Secretary of State may direct, and
- such other information (if any) the Council considers appropriate.

4.3 As the Council operates a committee system as the Council's form of governance, the Constitution must also contain a statement as to whether the Council has resolved to have an overview and scrutiny committee under Section 9JA of the Local Government Act 2011. The present Constitution did not do so and therefore one of the revisions is to ensure compliance with section 9P(2) of the Local Government Act 2011.

4.4 Appendix A to this report sets out the changes in detail and will follow after the meeting of the Constitution Working Group on 17 March 2015 has put forward its recommendations after receiving any feedback from Members.

4.5 But in essence the amendments suggested largely relate to making sure the Constitution properly reflects changes in legislation brought into force over recent years such as, for example, by virtue of the Equality Act 2010, the Bribery Act 2010, the Localism Act 2011, and the Local Authorities (Committee System) (England) Regulations 2012, and also this year such as by the Local Authorities (Electronic Communications) Order 2015.

4.6 The amendments also include some updating such as, for example, the changed narrative under the Seven Principles of Public Life (the Nolan Principles) which the fourteenth report of the Committee on Standards in Public Life (published in January 2013) revised.

## **5. Reasons for Recommendation**

5.1 The reason for the recommendation is to update the Constitution and to make it more fit for purpose.

## **6. Consultation**

6.1 The Constitution Working Group has been reviewing the Constitution and at its request all Members of the Council have been consulted and asked to feedback any comments to the Constitution Working Group.

## **7. References to Corporate Plan**

- 7.1 The Modern Council priority within the Council's Corporate Plan sets out how the Council will be transformed between 2014 -2016. This includes improving our governance arrangements.

## **8. Implications**

### **Financial Implications**

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- 8.1 None directly arising from the report itself.

### **Legal Implications**

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- 8.2 The report sets out the legal implications.

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

- 8.3 The Council's Constitution plays an important part in respect of the above matters as it forms the basis of corporate governance.

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

- 9.1 None.

## **10. Appendices to this report**

- Appendix A (to follow)

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