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| <p>Non-Executive Report of the:</p> <p><b>General Purposes Committee</b></p> <p>Tuesday, 26 February 2019</p> |  |
| <p><b>Report of:</b> Asmat Hussain, Corporate Director,<br/>Governance and Monitoring Officer</p>             | <p><b>Classification:</b><br/>Open (Unrestricted)</p>                               |
| <p><b>Constitution Review Part B</b></p>  |   |

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| <b>Originating Officer(s)</b> | Matthew Mannion |
| <b>Wards affected</b>         | (All Wards);    |

### Executive Summary

As set out in reports to the previous two General Purposes Committee meetings, officers are working through a refresh of the Council's Constitution.

This report presents a draft copy of the new Part B of the constitution for consideration by the Committee. The draft will be amended following any comments from the Committee (and elsewhere) and then combined with later Parts to form a fully refreshed constitution to be presented to Council.

### Recommendations:

The General Purposes Committee is recommended to:

1. Review and comment on the draft Part B of the new constitution.

#### 1. **REASONS FOR THE DECISIONS**

- 1.1 This report follows on from the report to General Purposes Committee on 29 October 2018 and the initial reasons for the review are set out there.

#### 2. **ALTERNATIVE OPTIONS**

- 2.1 This report is seeking the views and comments of the General Purposes Committee. Members are free to suggest alternative content and/or styles.

#### 3. **DETAILS OF THE REPORT**

- 3.1 This report follows on from the report to General Purposes Committee on 29 October 2018 and the initial reasons for the review are set out there.

- 3.2 Part B of the new Constitution is called ‘Responsibility for Functions and Decision Making Procedures’ and covers all the main rules and procedures around decision making at the Council.
- 3.3 Amongst other information it sets out; Terms of Reference and Functions of Council, Cabinet and Committees; Corporate Schemes of Delegation and the role of Chief Officers; detailed procedure rules for Council, Cabinet and Overview and Scrutiny.
- 3.4 Part B is a replacement for the existing Parts 3 and 4 and it provides the same sets of information (although the arrangement has been updated).
- 3.5 The draft new Part B is set out in Appendix 1 to this report. Due to the significant changes in some parts, it is not generally possible to show changes as ‘track changes’, sections where there have been significant changes have instead been highlighted in yellow highlighter.
- 3.6 In summary, the following table set out how each of the Sections within Part B have been dealt with during this review:

| Section | Title   | Notes  |
|---------|---|--|
| 17      | <i>Responsibility for Council Functions</i>   | The Council Functions referred to are those functions which cannot be the responsibility of the Executive. The existing constitution lists the full table of functions at this point. This takes up around 40 pages. The updated version provides a brief summary here and refers to Part D if the reader wishes to view the whole list of functions.  |
| 18      | <i>Local Choice Council Functions</i>         | A similar section to the one above except that the Council can choose whether these functions are Executive or Non-Executive Functions. Again the details have been moved to Part D with a summary explanation retained here.  |
| 19      | <i>Responsibility for Executive Functions</i> | Similar to the above but referring to Executive Functions. A summary is again provided although as the table is only half a page it has also been retained here.   |
| 20 - 23 | <i>Terms of Reference</i>                     | The terms of reference for the various Council Committees, Joint Committees, Executive and other bodies have been reviewed. These have been split into four groups as set out in the titles to make them easier to navigate. In the existing constitution there was significant variation in size and content of the terms of reference. In the new version, a standard Terms of Reference Template is being deployed setting out the basic required information for each Committee or body. Where a |

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|          |  | <p>body requires longer procedure rules these have been moved (mainly to Part D).</p> <p>Again the intention is to make the constitution easier to navigate and to move across the Part D detailed information only required by specific groups of officers/Members. In the existing constitution the sets of terms of reference take up around 100 pages. The updated version is currently standing at about 50 pages.</p> <p>This work requires the input of a number of Committees, boards and officers and is still ongoing.</p> |
| 24 - 26  | <i>Corporate Scheme of Delegation and the role of Chief and Statutory Officers</i> | These three sections replace the current Sections 3.5 to 3.12. To provide a comparison, the existing sections are set out in Appendix 2 to this report.  |
| 27       | <i>Council Procedure Rules</i>   | This Section has been retained from the existing Constitution. However a number of possible tweaks have been put forward for the Committee to discuss.   |
| 28       | <i>Access to Information Rules</i>   | These have been retained from the current Constitution but are being reviewed to ensure they are up to date with any legislative changes.  |
| 29       | <i>Budget and Policy Framework Rules</i>   | These have been retained from the current Constitution.  |
| 30       | <i>Executive Procedure Rules</i>   | These are currently unchanged from the current Constitution. However, it is suggested that the detailed decision making process information is moved to Part D in the same way as with meeting procedure information above.  |
| 31       | <i>Overview and Scrutiny Procedure Rules</i>                                       | These are undergoing review by the Overview and Scrutiny Committee and will be updated upon completion of that review. A couple of potential changes are though noted.   |
| Appendix | <i>Petition Scheme</i>   | Proposed amendments to the petition scheme. (Appendix 3 to this report)  |

## Conclusion

- 3.18 The above set out how the review is progressing of the new Part B. The views of the General Purposes Committee are welcomed both in terms of specific changes as well as the general thrust of the review.
- 3.19 The review is not yet complete but it has so far resulted in a Part B which is approximately 160 pages compared to 250 in the current constitution. Note that some of that is accounted for by moving content to Part D but it does

highlight the effectiveness of creating a main constitution that is shorter and easier to read.

- 3.20 Parts A and B of the revised constitution are intended to be the public facing constitution. They currently run to less than 200 pages compared to over 300 in the current Constitution.

#### **4. EQUALITIES IMPLICATIONS**

- 4.1 The Constitution sets out how the Council operates and how decisions are taken. By ensuring properly transparent decision making the Constitution ensures that residents are able understand how decisions are taken and to participate in decision making as set out.
- 4.2 The changes set out are designed to improve the efficiency, transparency, accountability and general good governance of the Council.

#### **5. OTHER STATUTORY IMPLICATIONS**

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
  - Consultations,
  - Environmental (including air quality),
  - Risk Management,
  - Crime Reduction,
  - Safeguarding.
- 5.2 It is good practice to review the Constitution regularly, it also meets with a recommendation of the recent Corporate Peer Review which highlighted the need to ensure the Council removed 'bad bureaucracy whilst retaining good governance'.

#### **6. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 6.1 This report provides drafts copy of the new Part B to refresh the Council's constitution for consideration by the Committee.
- 6.2 There are no financial implications emanating from this report.

#### **7. COMMENTS OF LEGAL SERVICES**

- 7.1 Section 9P of the Local Government Act 2000 (as amended) requires the Council to prepare and keep up to date a constitution.
- 7.2 The constitution must contain the elements identified specified by the Secretary of State in the Constitution Direction issued in December 2000.

- 7.3 The constitution must be published and be available for inspection by members of the public.
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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- Reports to the General Purposes Committee on 29 October and 11 December 2018.

### **Appendices**

- Appendix 1 – Draft new Part B of the Constitution
- Appendix 2 – Parts 3.5 to 3.12 of the Current Constitution
- Appendix 3 – Petition Scheme with Proposed Amendments

### **Local Government Act, 1972 Section 100D (As amended)**

#### **List of “Background Papers” used in the preparation of this report**

List any background documents not already in the public domain including officer contact information.

- None.

#### **Officer contact details for documents:**

N/A