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## **Review of the Council's Constitution**

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### **1. Purpose**

- 1.1 To receive an interim report from the Constitution Review Task and Finish Group on the progress with regard to the review of the Constitution.

### **2. Recommendation(s):**

- 2.1. That the Civic Affairs Committee notes the interim update from the Constitution Review Task and Finish Group on progress made in reviewing the Constitution.

### **3. Background**

- 3.1 The Civic Affairs Committee, at its meeting held on 26 June 2018, agreed to appoint a Task and Finish Group to undertake a comprehensive review of the Council's Constitution, including codes and protocols.
- 3.4 In setting up the Task and Finish Group, the Committee acknowledged that the Council's Constitution had not been subject to a comprehensive review for some considerable time.
- 3.5 Councillors Dr. Claire Daunton, Mark Howell and Dr. Aidan Van de Weyer were appointed to serve on the Task and Finish Group.

### **4. Considerations**

- 4.1. The Constitution Task and Finish Group has appointed Councillor Dr. Claire Daunton as its Chairman.
- 4.2. At its first meeting, Members gave further consideration to the aims of its review and agreed the following remit to guide its work:-

To review the Constitution for South Cambridgeshire District Council for recommendation to the Civic Affairs Committee and full Council, having regard to:-

- (a) Statutory requirements;
- (b) The effectiveness and any particular strengths of the existing Constitution;
- (c) Innovations or best practice which can be identified from benchmarking with Constitutions of similar size authorities; and
- (d) The following key principles:-
  - (i) Simple to understand and operate, using plain English wherever possible;

- (ii) Streamlining the document and stripping out any extraneous sections which do not need to be included within the formal Constitution document;
- (iii) Open and transparent with clarity as to who is responsible for decisions; and
- (iv) Decisions are taken quickly and responsively with appropriate use of delegation opportunities, bureaucracy is minimised and unnecessary duplication is removed to enable business to be dealt with efficiently.

4.3. Whilst the initial aim was to present the recommendations to the Civic Affairs Committee in time to enable the revised Constitution to be implemented from the next Municipal Year, the Task and Finish Group has concluded that it would be inappropriate to rush the project and that a more detailed review is merited.

4.4 With that in mind, the Task and Finish Group has drawn up a work programme which envisages recommendations being submitted to this Committee in the summer, with the aim of seeking Council approval for the revised Constitution in the autumn.

4.5. The Task and Finish Group has now met on 6 occasions and to date has reviewed various Articles in the Constitution; the Council Procedure Rules; the Access to Information Rules; the Executive Procedure Rules and Codes and Protocols. Members have requested officers to undertake a more in depth review of the current public participation and petitions schemes and to report back to a future meeting of the Group.

4.6 Where appropriate, the Task and Finish Group is inviting interested parties to contribute to its review. For example, a member of the public who had expressed concerns about the Code of Conduct Complaints Procedure was invited to provide feedback to the Task and Finish Group. The Leader has been invited to participate in the review of the Executive parts of the Constitution and likewise, the Chairman of Scrutiny and Overview has been invited to provide feedback to the Task and Finish Group when it reviews the parts of the Constitution relating to Scrutiny at its meeting in March.

## **5. Options**

5.1. None

## **6. Implications**

In the writing of this report, taking into account financial, legal, staffing, risk management, equality and diversity, climate change, community safety and any other key issues, the following implications have been considered: -

### **6.1. Legal Implications**

6.1.1 The Council is required to prepare and keep its Constitution up to date and to make it available to the public, in accordance with Section 37 of the Local Government Act 2000. Additionally it is required by Section 38 of the Act to have regard to any guidance issued by the Secretary of State.

6.1.2 Any amendments to the Constitution are the responsibility of the Council (with the exception of the Executive Scheme of Delegation which is the responsibility of the Leader of the Council).

6.2. Resource Implications

6.2.1 There are no direct financial implications arising from this report. There are workload implications for the Deputy Head of Legal Practice and Democratic Services Team Leader.

**Background Papers**

Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

None

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