



REPORT TO: Civic Affairs Committee
LEAD OFFICER: Monitoring Officer

26 June 2018

Review of the Council's Constitution

1. Purpose

- 1.1 To consider appointing a task and finish group to undertake a comprehensive review of the Council's Constitution, to include its codes and protocols.

2. Recommendation(s):

- 2.1. That the Civic Affairs Committee agrees to establish a task and finish group (numbers to be determined by the committee) to undertake a comprehensive review of the Council's Constitution to include its codes and protocols and to submit recommendations thereon to this Committee for onward recommendation to Council.

3. Background

- 3.1 Every local authority is required by Section 37 of the Local Government Act 2000 to prepare and keep up to date a Constitution, including such information as the Secretary of State may direct; the authority's standing orders; code of conduct and such other information that the authority considers appropriate. Following the implementation of the Local Government Act 2000 modular constitutions for English local authorities were published by the former Office of the Deputy Prime Minister.
- 3.2 Local authorities must make copies of their constitutions available to the public.
- 3.3 Under Article 15 of this Council's Constitution, the Chief Executive and Monitoring Officer are required to monitor and review the operation of the Constitution and to ensure that its aims and principles are given full effect.
- 3.4 The Council's Constitution has not been subject to a comprehensive review for some considerable time and this report invites this Committee to consider setting up a task and finish group with a view to carrying out such a review.

4. Considerations

- 4.1. As indicated in paragraph 3.4 above, the Constitution has not been reviewed for some years and the Committee is therefore invited to consider whether it is timely to undertake a comprehensive review. Given that the Code of Conduct and its associated procedures have been in place for nearly 5 years, they may also merit review.
- 4.2. Additionally, following the elections, a number of proposals which may require revision of the Constitution have been put forward, for example:

- Inclusion of a slot for Portfolio Holder reporting on Council agendas.
 - Clarification of the outcomes following Members' questions at Council meetings.
 - Recording of votes at Planning Committee meetings.
- 4.3. It is also possible that further changes to the political management structures may be sought by the new Council which would require Constitutional amendments.
- 4.4. It is therefore recommended that a comprehensive review should take place during 2018/19 to ensure that the Constitution:
- is accurate and up to date;
 - reflects best practice; and
 - is clear and unambiguous.
- 4.5. The review would also allow detailed review of existing procedures within the Constitution to ensure that they remain fit for purpose.
- 4.6. The Committee is asked to consider establishing a small task and finish group to conduct a comprehensive review of the Constitution and its associated codes and procedures during 2018/19 and to report back to this Committee with recommendations.
- 4.7. It is suggested that the task and finish group should comprise of 3 members however the final number will be for Members to determine. Task and finish groups are not required to be politically balanced.

5. Options

- 5.1. The Committee could decide not to review the Constitution or to do the review itself rather than appointing a task and finish group but the latter may detract from the intention to conduct a detailed review of the Constitution.

6. Implications

- 6.1 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:-

6.1.1 Legal Implications

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 Resource Implications

There are no direct financial implications arising from this report although the review will have resource implications for the Deputy Monitoring Officer and Democratic Services Team.

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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