

REPORT TO: Civic Affairs Committee

3 December 2019

LEAD OFFICER: Deputy Head of Legal Practice and Democratic Services
Team Leader

Report of the Constitution Review Task and Finish Group

Executive Summary

1. The Civic Affairs Committee, at its meeting held on 26 June 2018, agreed to establish a task and finish group to undertake a comprehensive review of the Council's Constitution, to include its codes and protocols, and to submit recommendations back to the Committee for onward recommendation to Council.
2. The report and recommendations of the Constitution Review Task and Finish Group are set out at Appendix A to this report.

Recommendations

3. It is recommended that Civic Affairs Committee:-
 - (a) considers the recommendations of the Constitution Review Task and Finish Group, as set out in Appendix A, and recommends the Council to adopt the revised Constitution, Ethical Handbook and Public Speaking and Petitions Schemes for implementation with effect from the new Municipal Year;
 - (b) authorises the Chief Executive:
 - (i) after consultation with the Chairman of the Committee, the Constitution Review Task and Finish Group and the Chairman of the Employment and Staffing Committee, as appropriate, to make any further consequential changes required to the Constitution to reflect the outcomes of the Senior Management Review, prior to submission to Council;
 - (ii) after consultation with the Chairman of the Committee, the Constitution Review Task and Finish Group and the Chairmen of the Audit and Corporate Governance and Scrutiny and Overview Committees, to review whether the Audit and Corporate Governance Committee should assume responsibility for budget monitoring and to make any further consequential changes required to the Constitution, if appropriate, prior to submission to Council; and
 - (iii) after consultation with the Chairman and Vice-Chairman of the Committee, to make any further typographical or minor amendments to the draft Constitution prior to its submission to Council.

Reasons for Recommendations

4. To enable the Committee to determine whether to recommend to Council the adoption of the revised Constitution and to consider associated recommendations of the Constitution Review Task and Finish Group.

Details

5. The Civic Affairs Committee, at its meeting held on 26 June 2018, established a task and finish group to undertake a comprehensive review of the Council's Constitution.
6. The task and finish group comprises Councillor Dr. Claire Daunton (Chair), Councillor Mark Howell and Councillor Dr. Aidan Van de Weyer.
7. The task and finish group has now completed its review of the Constitution and its recommendations are set out in the report at Appendix A. The revised draft Constitution is attached at Appendix B. Also attached is the draft Ethical Handbook (Appendix C), the draft Public Speaking Scheme (Appendix D1) and the draft Petitions Scheme (Appendix D2). A "compare" version showing changes in content (but not formatting given the extensive nature of the revisions to the document) between the draft and original versions of the Constitution has been published on the website (Appendix E) and hard copies are available to Members on request. Members are asked to note that the Ethical Handbook and Public Speaking/Petitions Scheme will be re-formatted to align with the format and style of the draft Constitution.
8. Paragraph 3.2 of the report of the task and finish group recognises that the Constitution is likely to require review to reflect the outcomes of the Senior Management Review, when determined. The Committee is asked to consider delegating authority to the Chief Executive, after consultation with the Chairman of the Committee, the Constitution Review Task and Finish Group and the Chairman of the Employment and Staffing Committee, to make any consequential changes required to the Constitution arising from the Senior Management Review prior to submission of the final Constitution to the Council.
9. Since the final meeting of the task and finish group it has been suggested that consideration be given to amending the terms of reference of Audit and Corporate Governance Committee in order that it undertakes the role, aligned to its overall financial management and oversight responsibilities, of monitoring the budget, rather than this function being undertaken by the Scrutiny and Overview Committee. Given that the task and finish group has not had the opportunity to consider this proposal, it is suggested that Civic Affairs Committee may also wish to delegate authority to the Chief Executive, after consultation with the Chairman of the Committee, the Constitution Review Task and Finish Group and the Chairmen of the Audit and Corporate Governance and Scrutiny and Overview Committees, to review this option and to amend the Constitution, if appropriate, prior to submission to Council.
10. Finally, the Committee is asked to authorise the Chief Executive, after consultation with the Chairman and Vice-Chairman of the Committee to approve any typographical or other

minor changes needed to the draft Constitution. Members are asked to draw any such errors to the attention of the Democratic Services Team Leader.

Options

11. The Civic Affairs Committee could
 - (a) recommend the revised Constitution for adoption by the Council, with or without amendment; or
 - (b) determine to maintain the status quo and not amend the Constitution; or
 - (c) identify areas where it wishes the Constitution Review Task and Finish Group to undertake further work.

Implications

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

Legal

13. 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.

Equality and Diversity

14. The Council will be required by September 2020, by virtue of the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018, to ensure the accessibility of information published on its website. These accessibility requirements have been taken into account in reformatting the revised Constitution.
15. The task and finish group has had regard to the equality duty requiring the Council to tackle stereotypes and to consider whether the use of certain language within the Constitution reinforces inappropriate “norms”.

Consultation responses

16. All Members and officers were invited to submit comments on the Constitution during the autumn of 2018. The Leader and a number of committee chairmen have also been consulted upon the proposals under consideration as part of the review, in so far as they relate to their area of responsibility and invited to participate in meetings of the task and finish group.

Effect on Council Priority Areas

A modern and caring Council

17. The review has provided the opportunity to bring the Constitution up to date, to review it against best practice and new accessibility requirements and to consider whether it remains fit for purpose.

Background Papers

Modular Constitutions for English local authorities (January 2000)

Appendices

Appendix A: Report of the Constitution Review Task and Finish Group
Appendix B: Draft Constitution of South Cambridgeshire District Council
Appendix C: Draft Ethical Handbook
Appendix D1: Draft Public Speaking Scheme
Appendix D2: Draft Petitions Scheme
Appendix E: "Compare" version with the current Constitution (on line only but available to Members on request).

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