

# Public Document Pack



Chairman and Members of the Audit and Governance Committee

Your contact: Lorraine  
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Ext: 2172  
Date: 15 March 2017

cc. All other recipients of the Audit and Governance Committee agenda

Dear Councillor

## **AUDIT AND GOVERNANCE COMMITTEE - 22 MARCH 2017**

Please find attached the following report which was marked "to follow" on the agenda for the above meeting:

13. Review of the Constitution (Pages 3 - 8)

Please bring these papers with you to the meeting next Wednesday

Yours faithfully

Lorraine Blackburn  
Democratic Services  
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**MEETING** : AUDIT AND GOVERNANCE COMMITTEE  
**VENUE** : COUNCIL CHAMBER, WALLFIELDS, HERTFORD  
**DATE** : WEDNESDAY 22 MARCH 2017  
**TIME** : 7.00 PM

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EAST HERTS COUNCIL

AUDIT AND GOVERNANCE COMMITTEE – 22 MARCH 2017

REPORT BY LEGAL SERVICES MANAGER

CONSTITUTION WORKING GROUP – INTERIM REPORT

WARD(S) AFFECTED: - ALL

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**Purpose/Summary of Report**

- At the request of members at the last Audit and Governance Committee on the 25 January 2017 this report provides an update in relation to the review of the Constitution.
- Kevin Williams, previous Acting Head of Legal and Democratic Services, is reviewing the Constitution in-line with the Localism Act 2011 and other statutory requirements. Since the new head of service has resumed post Kevin is now working in the capacity as a Governance Consultant working on updating and revising the Constitution in consultation with the Constitution Working Group (CWG).
- Once the Governance Consultant has finalised his review he will consult with the CWG.
- The revised Constitution will be submitted to full Council on 10 May 2017 for approval.
- For the avoidance of doubt, no recommendations are being sought from the Committee.

<b><u>RECOMMENDATION FOR AUDIT AND GOVERNANCE COMMITTEE</u></b>
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<b>That :</b>
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<b>(A)</b>
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## 2.0 Report

2.1 In carrying out the review the Governance Consultant has taken into consideration points previously raised by the CWG and has concentrated on the following issues:

- Simplifying the procedural explanations on governance matters so that they are more easy to understand and accessible especially from the viewpoint of the general public;
- Improving the cross-referencing between one part of the constitution to another, for example, with the use of hyperlinks so that it is clear how one constitutional document relates to another which can be easily cross-referenced;
- Setting out in plain English, what the parameters are for the powers and discretions on different elements of the Constitution. For example, giving greater clarity to the meaning and consequences of Executive arrangements and the Council

## 3.0 Implications/Consultations

3.1 None

### Background Papers:

Localism Act 2011

Local Government Act 2000 (Rights to a meeting and information)

<http://www.legislation.gov.uk/ukxi/2012/2089/contents/made>

Department for Communities and Local Government “Open and Accountable local government”

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/335930/140630\\_Draft\\_Openness\\_Guide\\_-F.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/335930/140630_Draft_Openness_Guide_-F.pdf)

Market Assessment of Public Sector Information – Deloitte 2013

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/198905/bis-13-743-market-assessment-of-public-sector-information.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/198905/bis-13-743-market-assessment-of-public-sector-information.pdf)

Local Government Act 1972 (Access to Meetings of the Council)

<http://www.legislation.gov.uk/ukpga/1972/70/part/VA>

Local Government Transparency Code 2014

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/360711/Local\\_Government\\_Transparency\\_Code\\_2014.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/360711/Local_Government_Transparency_Code_2014.pdf)

Local Government Transparency Code 2015

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/408386/150227\\_PUBLICATION\\_Final\\_LGTC\\_2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/408386/150227_PUBLICATION_Final_LGTC_2015.pdf)

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**ESSENTIAL REFERENCE PAPER 'A'**

**IMPLICATIONS/CONSULTATIONS**

<p>Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i></p>	<p>Priority 1 – Improve the health and wellbeing of our communities</p> <p>Priority 2 – Enhance the quality of people's lives</p> <p>Priority 3 – Enable a flourishing local economy</p>
<p>Consultation:</p>	<p>This is an interim report to A&amp;G Committee. Following feedback from A&amp;G Committee, the CWGs results will be circulated to the Leadership Team. A final meeting will determine the format for further consideration in March 2017 for approval by Council in May 2017.</p>
<p>Legal:</p>	<p>Section 37 of the Local Government Act 2000 requires all Councils to publish and review the arrangements to discharge its functions within a constitution. Other statutes, codes and guidelines, such as the Local Government Act 1972 (meetings), the Localism Act 2011 (transparency) and the Local Government Transparency Codes 2014 and 2015 emphasise clear and transparent decision making.</p>
<p>Financial:</p>	<p>How the proposed "<i>User Guide and Summary</i>" document will be disseminated is a matter for further decision. If this is published (as well as appearing on the Council's website) there will be revenue costs in relation to the design, publication (and distribution). These have not been costed.</p>
<p>Human Resource:</p>	<p><i>None</i></p>
<p>Risk Management:</p>	<p>The Council is required by legislation and guidance codes to ensure that its constitution is fit for purpose. By not carrying out regular reviews, the Council may be in breach of its statutory function under Section 37 of the Local Government Act 2000 and various Codes.</p>
<p>Health and wellbeing – issues and impacts:</p>	<p><i>None</i></p>

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