

EAST HERTS COUNCIL

ANNUAL COUNCIL – 16 MAY 2018

REPORT BY THE CONSTITUTIONAL WORKING GROUP

REVIEW OF THE CONSTITUTION

WARD(S) AFFECTED: All

Purpose/Summary of Report

- This report is for Members to consider a draft revised Council Constitution.

<u>RECOMMENDATIONS FOR COUNCIL:</u> That:	
(A)	subject to the views of Council, the revised Council Constitution be approved;
(B)	the Monitoring Officer be authorised to make any minor amendments, correcting typographical or drafting errors and ensure all cross-references within the Constitution are correct prior to publication;
(C)	Members of the Constitution Working Group be thanked for their contribution to the drawing up of a revised Constitution; and
(D)	the Monitoring Officer be authorised to make any consequential changes to the Constitution arising from any legislative changes or other decisions that may be taken during the year.

1.0 Background

- 1.1 East Herts Council has agreed a Constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.
- 1.2 The Council's Constitution is based on the model constitution but over the years has developed and been adapted to suit the Council's practices.
- 1.3 Under Part 5f ,para B sub paragraph 5g, the Monitoring Officer, may
(g) report to the Council, from time to time, on the Constitution and any necessary or desirable changes following consultation, in particular, with the Head of Paid Service and Chief Financial Officer;
- 1.4 In May 2016, minor changes to the Constitution were undertaken by the Chief Executive and then Monitoring Officer and approved by Council.
- 1.5 On 21 September 2016, the former Audit and Governance Committee agreed to the establishment of a Constitution Working Group to carry out a significant review of the Constitution in order to ensure that it was fit for purpose, to facilitate transparency of decision making processes and to better serve the needs of East Herts residents.
- 1.6 The Constitutional Working Group consisted of Councillors Allen, Boylan, Deering, Pope and Kenealy to steer the work. The brief was to modernise the document and make it more accessible to the public.

- 1.7 On 25 January 2017, the former Audit and Governance Committee received an interim report from the Legal Services Manager which sought agreement to the overall approach by the Constitutional Working Group in reviewing the Constitution and to seek Members' comments aimed at enhancing the transparency and usability of a revised Constitution.
- 1.8 On the 1st March 2017, Council agreed to reduce the number of scrutiny Committees from 5 to 2 and this change was reflected in the Constitution.
- 1.9 On 18th July 2017, a further update was provided to Members and transitional arrangements were agreed pending a draft Constitution being presented to Council.
- 1.10 Despite initial expectations, this exercise has taken considerable time, given the length, required changes and complexity of the document. The period during which this particular piece of work took place also saw significant changes to the Council's senior management / departmental structures and governance arrangements which, in turn, have had to be reflected in the revised document to bring it completely up to date.
- 1.11 Various officers, including the Chief Executive have gone through the existing Constitution, preparing draft revised sections for consideration by the Constitutional Working Group. Often, the text is very similar to the current version. However, there have also been various new legislative requirements and provisions which needed to be taken into account and have been reflected in the revised document.
- 1.12 The Constitutional Working Group provided Members and Officers with an excellent opportunity for open discussion on the draft Constitution as a whole and, in particular, those areas considered to be of particular relevance to Members (e.g. rules relating to Full Council, the Executive and Scrutiny Committees).

1.13 The Constitutional Working Group has now concluded its work and a revised draft Constitution is now presented to Members. Given the size of the document (over 400 pages) a copy of the Draft has been placed in the Member area and can be found at the attached link:
<http://democracy.eastherts.gov.uk/mgIssueHistoryHome.aspx?IId=22179&optionId=0&J=9>

1.14 A briefing was provided to the Executive team on 13 March 2018 which provided an overview of the revisions before presentation to Council.

2.0 Constitution Changes

2.1 The revised draft Constitution largely comprises the same elements. These include Procedural Rules (for Council, the Executive and Scrutiny Committees, Financial Rules. Meetings of the Constitutional Working Group have been informed by the extensive review of all sections of the document by relevant officers. In reality, the extent of actual changes in terms of how the Council works is quite small. Indeed, throughout its consideration of this matter, the Constitutional Working Group has generally been of the view that (notwithstanding changes to the format of the revised version) significant elements of the existing Constitution remain "fit for purpose".

2.2 In summary, all sections of the existing, and revised Model versions, have been reviewed, compared and updated as considered appropriate by the Constitution Working Group itself. Certain sections, such as the Scrutiny Rules, have undergone more significant changes to reflect Council practice and to be fit for purpose.

2.3 **Essential Reference Paper B** highlights key areas of change which have been amended in the revised Constitution.

2.4 Training will be provided to all Members and Officers should the Constitution be approved.

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report are contained within **Essential Reference Paper A**

Background Papers:

None

Contact Officer and
report author:

Alison Stuart
Head of Legal and Democratic Services
Contact Tel No 2170
alison.stuart@eastherts.gov.uk