

# **East Herts Council Report**

## **Audit and Governance Committee**

**Date of Meeting:** 17 November 2020

**Report by:** James Ellis, Head of Legal and Democratic Services and Monitoring Officer

**Report title:** Constitution Review Group

**Ward(s) affected:** All

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### **Summary**

To set up an informal Member Group to review the Constitution.

### **RECOMMENDATIONS FOR AUDIT AND GOVERNANCE COMMITTEE:**

- (a) That an informal Constitution Review Group be established, comprising six places to be allocated as follows: Conservative – 3, Liberal Democrat – 1, Green – 1 and Labour – 1, and membership to be appointed in accordance with the wishes of the Group Leaders; and**
- (b) The terms of reference to be to identify significant or strategic changes and make recommendations to the Audit and Governance Committee at its final meeting in the civic year 2020/21 regarding changes to the Constitution of East Hertfordshire District Council, where considered necessary or desirable, for the Committee to consider and then make recommendations to Council.**

### **1.0 Proposal(s)**

1.1 As above.

## **2.0 Background**

- 2.1 During the course of each civic year, aspects of the Constitution are likely to require changes. Such changes may include improvements from time to time, as recommended by the Monitoring Officer; alterations necessitated by legislation or consequential changes arising from new decision-making, policies, strategies or other arrangements agreed by the Executive, Council or Committees, or operationally within Services.
- 2.2 The Audit and Governance Committee's remit includes "making recommendations taking into account the advice of the Monitoring Officer of periodic amendments and updating of the Council's Constitution" (Part 3, Chapter 3b, paragraph 5.6.1 (v)). The Constitution provides for Council to receive a report at its annual meeting which updates the Constitution if necessary (Constitution, Part 4, Chapter 4a, para 2.1.2 (k)). The Audit and Governance Committee will therefore recommend to Council any significant or strategic changes it considers appropriate.
- 2.3 The establishing of an informal group of Members to consider possible changes to the Constitution will support the Monitoring Officer in advising the Committee on what changes should be made.
- 2.4 The Committee is able to set up sub-committees or informal task and finish groups. It is proposed that as the "parent" Committee has the authority to make recommendations to Council, it should retain that role, and that delegation to a Sub-Committee would not be necessary. Further, an informal group would lend itself to cross-party Membership in a way which would be cumbersome to achieve if a formal politically balanced sub-committee were to be established.

### **3.0 Reason(s)**

3.1 To provide the opportunity for Member involvement in reviewing the Constitution

### **4.0 Options**

4.1 The Monitoring Officer, working with other Officers, may offer direct advice to the Audit and Governance Committee on changes to the Constitution, which can then be set out in a report to Council. This option has been used in the previous year. It is a valid option, but does not provide the opportunity for Member involvement at the early stages of review which the recommendation in this report would provide.

### **5.0 Risks**

5.1 The recommendation addresses the risk that Members might not have early opportunity to consider changes to the Constitution

### **6.0 Implications/Consultations**

6.1 Group Leaders have been consulted and will nominate Members from within their respective political Groups to participate in the Constitution Review Group.

### **Community Safety**

No

### **Data Protection**

No

### **Equalities**

No

## **Environmental Sustainability**

No

## **Financial**

No

## **Health and Safety**

No

## **Human Resources**

No

## **Human Rights**

No

## **Legal**

None, other than as identified above.

## **Specific Wards**

No

## **7.0 Background papers, appendices and other relevant material**

7.1 None.

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