

## Democracy and Standards Committee 15<sup>th</sup> June 2021

<b>Report Title</b>	<b>Constitutional Working Group</b>	
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### List of Appendices

#### Appendix A – Terms of Reference

##### 1. Purpose of Report

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- 1.1. For the Committee to approve Terms of Reference (TOR) for the Constitutional Working Group.

##### 2. Executive Summary

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- 2.1 Following approval of the Constitution, it was agreed that the Democracy and Standards Committee would establish a Working Group from its membership, whose primary responsibility was to assist the Monitoring Officer in keeping the Council's Constitution under review.

##### 3. Recommendations

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- 3.1 It is recommended that the Committee:

- a) Approve the Terms of Reference for the Working Group (Appendix A);
- b) Agree the membership of the Working Group for 2021/22; and
- c) Agree a Chair of the Working Group for 2021/22.

- 3.2 Reason for Recommendations –

- To ensure a mechanism is established to keep the Council's Constitution and governance structure under review.

## **4. Report Background**

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- 4.1 The Democracy and Standards Committee has overall responsibility for reviewing the Council's Constitution and decision-making governance and recommending any proposed changes to Council. The Constitution is a written legal document that provides a framework and rules for how members and officers make decisions and can be found on the Council's website.
- 4.2 The Monitoring Officer also has a duty to ensure that the Constitution operates effectively. To assist in undertaking the above responsibility, Council agreed at its meeting on 25 February 2021 that a Constitutional Working Group be established.
- 4.3 It is proposed that the Group would review the Constitution and any proposals be submitted to the Committee for formal discussion. The Committee, if it were minded to do so, would then forward recommendations on to Council for determination.
- 4.4 Although not legally required, it is proposed that the Group has cross-party representation as set out below. It is further recommended that the Committee appoint a Chair of the Group for 2021/22.

Conservative Group – 3 Members  
Labour Group – 1 Member  
Green Alliance Group – 1 Member

- 4.5 Dates for meetings of the Group were set out in the Council's Calendar of Meetings agreed by Annual Council. These are –

Monday 21<sup>st</sup> June at 9:30 am  
Monday 23<sup>rd</sup> August at 9:30 am  
Monday 25<sup>th</sup> October at 9:30 am  
Monday 20<sup>th</sup> December at 9:30 am  
Monday 21<sup>st</sup> February at 9:30 am  
Monday 25<sup>th</sup> April at 9:30 am

- 4.6 The Working Group sits outside of the provisions of the Local Government Act 1972 (as amended) and therefore is able to be held virtually but will not be open to the press and public. This enables informal and productive discussion to take place between members and officers of the Group before they refer any matters to be considered formally by the Committee. Committee meetings are open to the public in accordance with the legislation and Access to Information Procedure Rules.
- 4.7 Due to the informal nature of the Group, where it is felt appropriate to do so the Group may invite other Members or officers to attend for specific purposes.
- 4.8 It should be noted that the Group is not a decision-making body but is to assist the Council and the Monitoring Officer in reviewing the Constitution and formulating proposals for amendment, deletion or addition to that document.

## **5. Issues and Choices**

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- 5.1 A system needs to be established to allow for review of the Constitution. The Monitoring Officer has a duty to keep the operation of the Council's Constitution under review, and authority to make minor administrative changes to the Constitution.
- 5.2 Any proposed significant changes to the Constitution need to be agreed by Council, however it is intended that the working group would consider any changes in the first instance.

## **6. Implications (including financial implications)**

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### **6.1 Resources and Financial**

- 6.1.1 None specific to this report.

### **6.2 Legal**

- 6.2.1 The Council has adopted a "hybrid" structure of governance, which although legally an Executive form of governance, allows greater Member engagement and participation through Executive Advisory Panels. Establishing a Working Group would allow for initial Member discussion and input prior to any formal recommendations for changes being submitted to Council for determination.
- 6.2.2 The Monitoring Officer has delegated authority to make administrative changes to the Constitution to reflect changes in the law, changes to the Council's management structure and other changes with no significant impact.

### **6.3 Risk**

- 6.3.1 The Council needs to ensure that the efficiency and effectiveness of its governance and decision-making systems are monitored. Establishment of the Working Group would assist in ensuring appropriate consideration and debate of any potential amendments to the Constitution.

### **6.4 Consultation**

- 6.4.1 None specific to this report.

### **6.5 Consideration by Scrutiny**

- 6.5.1 Not required on this occasion.

### **6.6 Climate Impact**

- 6.6.1 None specific to this report.

### **6.7 Community Impact**

- 6.7.1 None specific to this report.

## **7. Background Papers**

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7.1 Council Constitution.