



<b>Change Management Committee</b>	<b>Tuesday, 15 January 2019</b>	<b>Matter for Information and Decision</b>
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**Report Title:** **Review of the Council's Constitution  
Update (January 2019)**

**Report Author(s):** **Samuel Ball (Senior Democratic Services  
Officer / Legal Officer)**

<b>Purpose of Report:</b>	To update the Committee on the progress achieved to date and the final recommendations made by the Constitutional Working Group (CWG) in updating and revising the Constitution following the circulation of a draft Constitution to all Members in December 2018.
<b>Report Summary:</b>	The CWG continues to make progress in updating and revising the Council's Constitution which is now nearing completion. At its most recent meeting on Tuesday, 8 January the CWG was asked to consider the feedback received following the circulation of a full proposed draft Constitution to all Members in mid-December 2018. It is anticipated that a full approved draft Constitution should be finalised following the conclusion of this meeting, incorporating any agreed final revisions as recommended by the CWG, in readiness for its adoption in April and implementation with effect from the start of the 2019/2020 municipal year.
<b>Recommendation(s):</b>	<p><b>A. That the progress made to date by the Constitutional Working Group in updating and revising the Council's Constitution be noted by Members; and</b></p> <p><b>B. The final recommendations of the Constitutional Working Group, following its consideration of the feedback received from all Members, be considered and any final revisions to the draft Constitution be agreed.</b></p>
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<b>Corporate Priorities:</b>	An Inclusive and Engaged Borough (CP1) Effective Service Provision (CP2)
<b>Vision and Values:</b>	"A Strong Borough Together" (Vision)

<b>Report Implications:-</b>	
Legal:	An up-to- date constitution minimises the risk of Council decisions being challenged.
Financial:	There are no implications directly arising from this report.
Corporate Risk Management:	Political Dynamics (CR3) Regulatory Governance (CR6) Organisational/Transformational Change (CR8)
Equalities and Equalities Assessment (EA):	There are no implications arising from the report. EA not applicable.
Human Rights:	There are no implications arising from the report.
Health and Safety:	There are no implications arising from the report.
<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
<b>Consultees:</b>	All Elected-Members Constitutional Working Group
<b>Background Papers:</b>	<a href="#">Report entitled 'Review and Amendment of the Council's Constitution' to Full Council, 24 April 2018</a> <a href="#">Report entitled 'Update on the Progress of the Constitutional Working Group' to Change Management Committee, 24 July 2018</a> <a href="#">Report entitled 'Review of the Council's Constitution Update (October 2018)' to Council, 2 October 2018</a> <a href="#">Full Proposed Draft Constitution (Circulated in December 2018)</a>
<b>Appendices:</b>	None.

## 1. Background

- 1.1 The work undertaken by the Constitutional Working Group (CWG) in partnership with Officers over the past 12-months culminated in a full proposed draft Constitution being circulated to all Members in mid-December 2018. All Members were invited to review the draft Constitution and to feedback any comments they had by no later than Friday, 4 January 2019.
- 1.2 The draft Constitution contained the following updated and revised parts:

<b>Part No.</b>	<b>Title</b>	<b>Page No.</b>
Part 1	Summary & Explanation	1 - 6
Part 2	Articles of the Constitution	7 - 40
Part 3	Responsibility for Functions	41 - 90
Part 4	Rules of Procedure	91 - 190

Part 5	Codes and Protocols	191 - 294
Part 6	Members' Allowances Scheme	295 - 302
Part 7	Committee Structure	303 -304
Part 8	Management & Departmental Structure	305 - 306

1.3 The feedback received from Members is summarised as follows:

<b>Provision No.</b>	<b>Feedback Received</b>	<b>Page No.</b>
Part 3, General Comment	All Members should be eligible to sit on any ad-hoc sub-committee or panel hearing etc. subject to receiving the required training.	n/a
Part 4, Rule 7.1	The quorum for meetings should be fixed at a higher percentage of the whole number of Members who have the right to vote at meetings and/or the minimum baseline number of Members present and entitled to vote at meetings should be increased.	97
Part 4, Rule 16.1	The requirement of no speeches until a motion has been seconded should be removed.	105
Part 4, Members' Substitute Scheme, Para 3.2.	The limit on the maximum number of Members that can be substituted by a political group or grouping on a body should be removed.	187
Part 4, Members' Substitute Scheme, Para 3.2.	The requirement of written notice of a substitution no later than 5.00 pm before the last clear working day before a meeting should be removed.	186

1.4 A number of points of clarification were also sought by Members as to the text as written, however these did not amount to any substantive changes being fed back.

## **2. Progress Update**

2.1 At its most recent meeting on Tuesday 8 January, the CWG was asked to consider the feedback received from Members following the circulation of the full proposed draft Constitution and to make recommendations for any final revisions to this Committee.

2.2 Details of the CWG's considerations and recommendations will be verbally reported to the Committee at the meeting. This is because this meeting's agenda statutory publication deadline of Monday, 7 January predates the meeting of the CWG on Tuesday, 8 January.

## **3. Next Steps**

3.1 It is anticipated that a full approved draft Constitution should be finalised following the conclusion of this meeting, incorporating any agreed final revisions as recommended by the CWG, in readiness for its adoption in April and implementation with effect from the start of the 2019/2020 municipal year. This represents an appropriate juncture to adopt the revised arrangements once a new administration has been formed after the 2019 Borough elections.

3.2 The new Constitution will primarily be made available online via the Council's website and

the Modern.Gov application in a more user-friendly and accessible format by making use of the functionality of the Council's committee and meeting management application. This enhanced format will allow the extensive contents of Constitution as a document to be navigated more easily and efficiently, and will ensure that future reviews and amendments are conducted and presented in an orderly and systematic manner with a clear audit trail.