

Title of Report	Constitution Review
For Consideration By	Constitution Committee
Meeting Date	29 March 2023
Classification	Open
<u>Ward(s) Affected</u>	N / A
Director	Dawn Carter-McDonald, Director of Legal, Democratic and Electoral Services

1. Introduction

- 1.1. This report updates Members of the Constitution Committee on progress by the Constitution Officer Working Group (“COWG”) with the review of the Council’s Constitution and presents first and final drafts of various sections for review and approval (as appropriate).
- 1.2. With regards to the format of meetings of the Committee, the approach adopted at the meeting on 30 January 2023 will continue to be used. Rather than using a ‘page turn’; Officers will instead:
 - Present an outline of what the relevant Part / Section is intended to do;
 - Highlight any significant proposed changes from the current Constitution; and
 - Raise issues / queries for discussion by the Committee to aid officers with future amendments.

2. Recommendations

- 2.1. **That the Committee consider and provide comments / observations on the documents accompanying this report in Appendices 2 to 6.**

3. Background

- 3.1. In order to assist members of the Committee with the arrangement of the new Constitution, the working draft index is appended to this report at Appendix 1.

- 3.2. Members should note that the Constitution Officer Working Group's efforts to improve upon the wording used in the Constitution to provide readers with greater clarity and to reflect the principles of plain English will continue until the new edition of the Constitution is finally adopted. This is an iterative process as the Constitution Officer Working Group considers comments from this Committee and others and resolves suggested amendments / additions. It is also something that requires time for reflection.

Overview and Scrutiny

- 3.3. The Monitoring Officer and Deputy Monitoring Officer were invited to attend a meeting of the Scrutiny Panel on 20 February 2023 to provide an outline of the Constitution Review and the work of the Constitution Committee.
- 3.4. As part of those discussions, the Scrutiny Panel considered Article 7 (Articles of the Council, Part Two) and the draft Overview and Scrutiny Procedure Rules and draft Call-in Procedure Rules, which will sit within Part Four.
- 3.5. Submissions for the Constitution Committee to consider are appended to this report at Appendix 2, which has been prepared by the Head of Scrutiny and Ward Forums in consultation with the Chair of the Scrutiny Panel, Councillor Gordon, to capture the points raised in the discussion. The relevant sections of the Constitution are appended to this report at Appendix 3 for ease of reference.

Part 7, Section B - Standing Orders Relating to the Holding of Office

- 3.6. This is a proposed new section for the Constitution aimed at providing information for members and the public alike on the legislative provisions with regards to when elections are held, taking office, resigning, filling of casual vacancies and vacation of office through non-attendance at meetings. The new section is appended to this report at Appendix 4.

Part 7, Section E - Elected Mayor's and Councillors' Access to Information

- 3.7. As advised at a previous meeting of the Committee, this is not a new element for the Constitution; rather the existing Access to Information section has been divided into two, one dealing with the public's rights and one dealing with the rights of elected members. The section covering the rights of elected members is appended to this report at Appendix 5.

Glossary

- 3.8. The COWG has been working on the revised Glossary for inclusion at the beginning of the Constitution. It would be of assistance to the COWG if Committee members could advise of any words / phrases / terminology used within the Constitution, other than those identified, which they consider would benefit from explanation. Likewise, if Committee members have any

comments or observations on the explanations used. The draft glossary is appended to the report at Appendix 6.

4. **Comments of the Group Director of Finance and Corporate Resources.**

4.1. There are no financial implications arising from the recommendations contained within this report.

5. **Comments of the Director of Legal, Democratic and Electoral Services**

5.1. Section 37 of the Local Government Act 2000 requires that the Council must prepare and keep up to date a document known as the Constitution which contains a copy of the Council's standing orders, a copy of the Council's code of conduct, and such other information (if any) as the Council considers appropriate.

5.2. In addition, Article 15 of the Constitution requires the Monitoring Officer to monitor and review the operation of the Constitution and to make recommendations for the way in which it could be amended in order to achieve its purposes.

5.3. There are no legal implications arising directly from this report.

Appendices

Appendix 1 - Working draft index to new Constitution

Appendix 2 - Submissions from Scrutiny Panel

Appendix 3 - Parts of the Constitution relating to overview and scrutiny

Appendix 4 - Standing Orders Relating to the Holding of Office

Appendix 5 - Elected Mayor's and Councillors' Access to Information

Appendix 6 - Glossary

Background documents

None

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