



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
**COUNCIL
12 SEPTEMBER 2019**

**NEW COUNCIL STRUCTURE AND CONSTITUTION – TRANSFORMATION
PROGRAMME**

1. PURPOSE OF THE REPORT

1.1 To approve and adopt a new Constitution for the Council.

2. RECOMMENDATIONS

- (i) That subject to (ii) below the Council approves and adopts the new Constitution both as a framework and also incorporating the documentation in **APPENDIX A** to this report to take effect on 3 October 2019;
- (ii) That the following components included in the Constitution in their existing form be reviewed and updated at the earliest opportunity:
 - Financial Regulations;
 - Contract Procedure Rules;
 - Code of Good Practice and Guidance on the Conduct of Planning Matters.
- (iii) That the Director of Strategy, Performance and Governance be authorised generally to update the Constitution and its component parts to ensure accuracy and to be reflective of organisational arrangements;

3. SUMMARY OF KEY ISSUES

3.1 The Council is required under the Local Government Act 2000 to adopt a Constitution. A project was under way to review and overhaul the existing constitutional documentation when the Council's Transformation Programme was begun. That work was therefore adapted to incorporate the revised Committee structure and associated arrangements arising from the Programme, and Council has since January this year received reports from its Corporate Governance Working Group on the review of various individual constitutional documents. The agreed incremental approach to this review work was based on the Council separately agreeing and adopting a new Constitution to take effect in line with the Transformation Programme.

- 3.2 It is intended that the Transformation Programme will be complete and take full effect on 3 October 2019. It is therefore proposed that the new Constitution is in place and takes effect from that date.
- 3.3 The Constitution is a codified document which embraces various elements. Alongside an initial summary and explanation, it consists of Articles which describe what the Council is about as an organisation, what it does and why. This is vital in the interests of transparency and helps present to everyone – Members, Officers, the public etc – a complete picture of how this Council operates. The descriptive Articles are followed by a series of specific Parts which in effect are repositories for various documentation including Procedure Rules, Terms of Reference, Scheme of Delegation, Codes and Protocols, and other adopted Guidance. The Constitution is completed with information on the make-up of the Council with information on Councillors, Wards, Polling Districts, membership of Committees, Management Structure etc.
- 3.4 The format of the proposed Constitution has regard to the model set out in Government guidance and is consistent with that in common use by local authorities based on Government guidance. There is however scope for some flexibility and individual authorities will decide what documentation is included, particularly in the Codes and Protocols Part. The proposed approach here is therefore to concentrate on those documents which either directly or indirectly affect the conduct of business and decision-making. In that sense, it is considered that documents such as the Member/Officer Relations Protocol, the Public Participation at Meetings Scheme, the Press, Media and Public Forum Protocol for Elected Members, the Civic Protocol, and various other protocols or guidance which may have been approved/adopted by the Council at some point should not be included. They should however be retained, maintained and kept available within a separate folder within the Corporate I Drive along with other useful internal guidance, and where required published separately on the website.
- 3.5 At this point, the Council is being asked to approve and adopt a new Constitution as a framework together with the following components as now prepared, reviewed or recently agreed:
- Part 1 Summary and Explanation.
 - Part 2 Articles of the Constitution.
 - Part 3 Responsibility for Functions (already agreed by the Council).
 - Part 4 Rules of Procedure – Council and Committee and Officer Employment and Disciplinary Procedure Rules (already agreed by the Council).
Access to Information Procedure Rules (with proposed updating tracked changes).
Contract Procedure Rules (with proposed updating tracked changes, but due for review) and Financial Regulations (as existing - to be updated in line with new structure).
 - Part 5 Codes and Protocols – Introduction, Councillor Code of Conduct and Dispensations, Member / Officer Relations Protocol (with proposed updating tracked changes), Code of Good Practice and Guidance on the Conduct of Planning Matters (as existing – to be updated in line with new structure)

Part 6.....Members of the Council, Wards, Polling Districts and Membership of Committees and Sub-Committees (as existing).

Part 7.....Management Structure (as existing).

- 3.6 All documentation for approval and adoption is at **APPENDIX A**. The Constitution is a living document and will need to be kept up to date to reflect future decisions, organisational changes etc., with individual components being reviewed from time to time. It is important that Officers are authorised to make minor changes for accuracy subject to any changes of substance being referred to the Performance, Governance and Audit Committee.

4. CONCLUSION

- 4.1 The various constitutional documentation has been reviewed and updated relative to the new structure emerging from the Council's Transformation Programme and is now ready to be included in a new Constitution for the Council.

5. IMPACT ON STRATEGIC THEMES

- 5.1 The provision of a new Constitution incorporating the Council's new Committee and organisational structure arising from the Transformation Programme support the Councils Performance and Efficiency Theme, and Planning For the Future Theme, specifically contributing to, 'An open and transparent organisation', and in bringing forward a more cost-efficient structure contributes to 'Continuing to work sustainably'.

6. IMPLICATIONS

- (i) **Impact on Customers** – It is important that the Council is able openly to explain, through well-presented and user-friendly constitutional documentation, the way in which it is set up and operates, and how it conducts its business. It is important that the Council's procedures are seen as open and transparent.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – None.
- (iv) **Impact on Resources (financial)** – The new Council committee structure will operate more efficiently, in staff time, and Member time and will require one fewer Committee Chair and Vice Chair, giving a financial saving, supporting the financial benefits outlined in the Future Model.
- (v) **Impact on Resources (human)** – The reduction in the number of committees and overall meetings will reduce the staff resource required.
- (vi) **Impact on the Environment** – None.

Background Papers: None.

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