

Report to Governance Committee

1st March 2017

By the Monitoring Officer

DECISION REQUIRED



**Horsham
District
Council**

Not Exempt

Maintenance of the Constitution of Horsham District Council

Executive Summary

The Governance Committee was created by Council on 7 December 2016. One of the functions of the Governance Committee is to receive reports of the Monitoring Officer on amendments to the Constitution and make any consequent recommendation to Full Council.

The Monitoring Officer has power under the Constitution to make minor variations to the Constitution to remove inconsistency or ambiguity or to make amendments to the Constitution to reflect a decision of the Council or Cabinet or to update as a consequence of legislative change.

This report sets out a number of proposed variations to the Constitution. The Committee are to decide whether the proposed variation should simply be noted or whether the amendment is such as to need to be recommended to Full Council.

Recommendations

That the Committee is recommended to consider the proposed adjustments set out in appendix 1.

Reasons for Recommendations

To give Member oversight in respect of proposed variations to the Constitution and support the Monitoring Officer in maintaining the Council Constitution.

Background Papers

The Council Constitution

Wards affected: All wards.

Contact: Paul Cummins, Head of Legal and Democratic Services (Monitoring Officer).

Background Information

1 Introduction and General Background

- 1.1 It is a legal requirement for the Council to have a Constitution under the Local Government Act 2000 (as amended by the Localism Act 2011).
- 1.2 The Council undertook a major review of the Constitution in 2016 resulting in the adoption of a revised Constitution by Full Council on 7 December 2016. At the same time as the adoption of a revised Constitution, Full Council created a Governance Committee.
- 1.3 One of the functions of the Governance Committee is to ensure that the Council's Constitution is kept up to date and fit for purpose. This includes supporting the Monitoring Officer by noting any minor variations made to the Constitution by him and noting any updates made by the Monitoring Officer arising from legislative change. It also includes making recommendations to Full Council on any amendments that are not covered by the Monitoring Officer's delegated powers

2 Relevant Council policy

- 2.1 The Corporate Plan 2016-19 heading Efficiency- Great value services will be better enabled by a modern, agile constitution which is flexible, permissive, well-understood, and realigned to a model constitution in an accessible single-document format.

3 Details of the Proposed Variations and Amendments

- 3.1 Track changed extracts are attached at appendix 1.

4 Next Steps

- 4.1 The Monitoring Officer will make the changes forthwith and publish the amendments on the council's website in the 'Library' section here <http://bit.ly/2l3tBbf>
- 4.2 Any amendments needed to be referred to Full Council will be put on the agenda for the next available Council meeting.

5 Outcome of Consultations

- 5.1 Relevant Service Managers have been consulted regarding the proposed variations.

6 Other Courses of Action Considered but Rejected

- 6.1 The Constitution could not be updated but for effective governance the Constitution needs to be treated as a 'living' document with the need for frequent amendments to ensure it remains up to date and reflects the operation of the Council.

7 Resource Consequences

- 7.1 There is no cost associated with the changes.

8 Legal Consequences

- 8.1 Under the Local Government Act 2000 (as amended by the Localism Act 2011) it is a legal requirement for the Council to have a Constitution.

9 Risk Assessment

- 9.1 The recommendations within this report are part of mitigating corporate risk CRR08 described in the Corporate Risk Register. The risk source: The Council's decision-making processes are based on Constitution that is overly bureaucratic and unnecessarily complicated. Event: Non-compliance with the Constitution and delays in decision-making. The potential consequences described are: opportunities lost, complaints/claims/litigation/financial losses and lack of openness and transparency.

10 Other Considerations

- 10.1 The Constitution and its Procedures, Rules and Codes act as an enabling tool in helping the Council meet its obligations under the Human Rights Act 1998, Equality Act 2010.
- 10.2 Consideration of how projects and proposals can secure environmental, social and economic benefits and reduce negative consequences should be an integral part of decision-making and the Constitution will facilitate such considerations.