

Council

22 April 2021

Report of the Director of Corporate and Customer Services

Establishment of Constitution Working Group

PURPOSE OF REPORT

To recommend the establishment of a Constitution Working Group to assist with a wide-ranging review of the Constitution and to define the purpose and remit of the Group.

RECOMMENDATION

1. That a Constitution Working Group be established with the terms of reference detailed in Appendix 1.

WARDS AFFECTED

District-wide

STRATEGIC LINK

The Constitution is the cornerstone of the Council's authority to discharge functions and sets out how it will make decisions in ways that are efficient, transparent and accountable to local people. In this sense, it transcends each of the Council's corporate priorities as it is the key enabler to meet the strategic priorities of the authority.

1 BACKGROUND

- 1.1 The Constitution exists to help residents, businesses, partners, stakeholders, Members and Officers understand how the Council works. Derbyshire Dales District Council exercises all powers in accordance with the law and its own procedures. The Constitution contains details of how the Council works, how decisions are made and where to find information about the Authority.
- 1.2 Since taking up post, the Monitoring Officer has identified a number of areas that require review within the Constitution in order to reflect protocols and procedures that are in operation within the Council, which are not necessarily documented. Furthermore, there is a need to keep the Constitution regularly reviewed, as per the requirement of section 37 of the Local Government Act 2000.

2 REPORT

- 2.1 The purpose of the working group will be to ensure that the Constitution is relevant, fit for purpose and enables the decision making processes of the Council to progress in

an expedient manner. The group will identify areas which may be ambiguous or inconsistent and will also react to changes in legislation, policy or accepted practice and make recommendations for alterations and improvements. Proposed terms of reference for the group are detailed at Appendix 1.

- 2.2 An informal working group is considered the best way to achieve collaborative working between the Monitoring Officer and Members in order to ensure different options can be explored.
- 2.3 Delegated authority for consequential amendments to the Constitution is currently in place for the Monitoring Officer under the Scheme of Delegation. Going forward, proposed amendments will be considered by the Constitution Working Group and reported to Council for approval.
- 2.4 As an alternative, the Council could continue to review and amend the Constitution on an ad-hoc basis. This is not recommended, as it could result in delay in updating the Constitution and failure to comply with legislative changes.

3 RISK ASSESSMENT

Legal

- 3.1 There are no specific legal implications associated with this report. Adoption and modification of the Constitution is a function of Council. The working group will therefore report to Council on any proposed changes to the Constitution (apart from those changes that come within the delegation to the Monitoring Officer to make consequential amendments).

Financial

- 3.2 There are no specific financial implications associated with this report.

4 OTHER CONSIDERATIONS

- 4.1 In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

5 CONTACT INFORMATION

- 5.1 James McLaughlin, Director of Corporate & Customer Services & Monitoring Officer
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6 BACKGROUND PAPERS

- 6.1 N/A

7 ATTACHMENTS

- 7.1 Appendix 1 – Proposed Terms of Reference – Constitution Working Group

APPENDIX 1

PROPOSED TERMS OF REFERENCE CONSTITUTION WORKING GROUP

1. Role and Function

- 1.1 The Constitution Working Group provides a mechanism by which Council can carry out focused cross-party reviews of the Constitution, of both a general and specific nature to ensure the constitution remains fit for purpose. It will undertake this role by:
- a) Considering any constitutional or procedural matter concerning the Council;
 - b) Undertaking health checks of the Constitution to ensure that the detail of the text remains fit for purpose and put forward appropriate changes;
 - c) Reviewing areas in the Constitution to ensure that it is kept in line with current legislation, local decisions made by the Council and best practice;
 - d) Recommending any proposed changes to the Constitution arising from the above to Council for approval.
- 1.2 The following may request that the Constitution Working Group considers a particular item of work:
- a) Council
 - b) Governance and Resources Committee
 - c) Monitoring Officer
- 1.3 The Group will have no decision making powers other than in advising in relation to the Monitoring Officer's delegated powers in relation to minor or consequential amendments. The group will report to the Council for approval of changes to the Constitution.

2. Composition and Membership

- 2.1 The Constitution Working Group shall comprise of seven Members with cross party representation on a proportional basis.
- 2.2 Members will be appointed to the Constitution Review Working Group at the Annual Council Meeting.
- 2.3 The Chairman of the Constitution Working Group will be elected by the Members of the Group
- 2.4 Meetings will be supported by the Monitoring Officer, Democratic and Electoral Services Manager and any other officer as required.