

HAVANT BOROUGH COUNCIL

Budget Scrutiny and Policy Development Panel

18 April 2017

Review of Council's Constitution

FOR RECOMMENDATION

KEY DECISION NO

REPORT BY: Budget Scrutiny and Policy Development Panel

1.0 EXECUTIVE SUMMARY

- 1.1 At its meeting held on 26 October 2016 the Council requested that a review of the Council's standing orders relating to meetings be undertaken as part of the Scrutiny Board's Work Programme.

2.0 RECOMMENDATIONS

- 2.1 The Governance and Audit Committee be requested to recommend that Council:
- 2.1.1 agree to the changes to the Constitution as set out in Appendix A to this report;
- 2.1.2 require all members to read the Part 3 Constitution and sign a declaration to this effect each municipal year;
- 2.1.3 require all members of a committee, board, or sub committee to read the terms of reference of each committee, board or sub committee to which they are appointed and sign a declaration to that effect.

3.0 STRATEGY

- 3.1 The project links with the key aim in the Corporate Strategy to provide public service excellence

4.0 LEGAL

- 4.1 Section 37 of the Local Government Act 2000 requires the Council to keep its constitution under review.

5.0 RESOURCES

- 5.1 There are no direct financial implications arising from the report.

6.0 STAKEHOLDERS

- 6.1 The aim of this review was to improve the clarity and transparency of the Council's decision making process so as to encourage public engagement in the work of the Council.

7.0 RISKS

- 7.1 There are no risks arising directly from this report.

8.0 METHODOLOGY

- 8.1 Due to the size of the Council's Constitution, it is not practical to conduct a detailed analysis of over 500 pages and the Panel agreed to concentrate on the Articles and Standing Orders relating to meetings.
- 8.2 Part of the review included a meeting with the Executive Director for Strategy and Governance and representatives of an officer team reviewing the format and content of the whole constitution to coordinate the two reviews.
- 8.3 Full details of the whole of the project is set out in a separate Findings Pack.

9.0 PRINCIPLES

- 9.1 The purpose of the review is to make the Articles and standing orders more user friendly and accessible and in particular to:
- (a) ensure that the Council's decision making system is transparent and easy to understand;
 - (b) enable decisions to be taken efficiently, effectively ;
 - (c) support accountability and encourage engagement with the Council's decision making process; and
 - (d) set a clear framework for governance and ethics

10.0 RATIONALE FOR PROPOSED CHANGES TO CONSTITUTION

10.1 General Format of the Constitution

- 10.1.1 The Panel considered that the Constitution should be reformatted to remove policies and other information which is not a statutory requirement and does not directly relate to the Council's decision making process, thereby providing clarity to members of the public, councillors and officers.
- 10.1.2 The Panel endorsed the officers' proposal that a majority of the information proposed to be removed would be published in a policy hub, which would be accessible by the public

10.1.3 The Panel also considered that:

- (a) a standard format be applied throughout the Constitution to make it easier to read and make reference to;
- (b) there should be a conformity in the use of terms and titles e.g. the same title for the Chief Finance Officer should be used throughout the document to provide clarity to the decision making process; and
- (c) a means of identifying amendments to the Constitution should be provided to ensure that a reader can keep up to date with changes to the Constitution.

10.2 Articles of the Constitution

10.2.1 The Panel considered that the Articles should be amended to provide clarity on the overall framework of the decision making process and make explicit on what is done and by whom.

10.2.2 The major changes proposed by the Panel are as follows:

- (a) **Scrutiny Board** – the Article relating to the Scrutiny Board (currently Article 7) be revised to reflect the current scrutiny processes; and
- (b) **Executive/Non Executive Functions** – the Articles be revised and reformatted to provide clarity on the non executive and executive functions. The functions and responsibilities of the non executive committees should also be moved from its current position to the Articles in the interests of clarity and transparency.

10.3 Standing Orders.

10.3.1 The Panel considered that the Council's Standing Orders should be amended to clarify how the Council will put the Articles into effect and ensure that the procedures enable a clear, transparent and efficient decision making process.

10.3.2 The major changes proposed by the Panel are as follows:

- (a) **Amendments to be Moved at Council** – the standing orders be revised to enable councillors to move amendments at Council without prior notice. This in accordance with the practice adopted by other Councils of a similar size to this Council and will enable Councillors to mould their decisions during debates at meetings;
- (b) **Relaxing the Debating/Voting Rules for Committee Meetings** - new orders be introduced to relax the current procedures applied to Committee meetings to enable a more modern, clear and transparent decision making process;

- (c) **A More Transparent Decision Making Process** – the standing orders be revised to clarify what, when and how decisions should be published and when the different types of decisions taken by the Council come into effect. These changes will include clarification of the meaning of the term “significant” when determining whether the decision is a “Key Decision” or not;
- (d) **Updating Scrutiny Standing Orders** – the scrutiny standing orders be revised to reflect the current scrutiny process
- (e) **Publication of Procedures Relating to the Decision Making Process** –The standing orders should clarify the procedures relating to deputations and include the Council’s procedures for deputations, petitions and questions by members of the public at Council. This will provide clarity to the decision making process; and
- (f) **Changes to the Deputation Procedures For the Development Management Committee** – the procedures for deputations at Development Management Committee be amended to allow the questioning of deputees by members of the Committee.

10.4 Full details of the proposed revisions are set out I Appendix A together with the reasons for each amendment

11.0 GOVERNANCE ARRANGEMENTS

11.1 The Panel also considered that in view of the importance of the Constitution it should be a requirement that all members sign and submit a declaration that they have read the constitution and the terms of reference of the committees, boards or sub committees they have been appointed to each year.

12.0 Background Papers

[Findings Pack](#)

[Draft of the Constitution as at 6 April 2017](#)

Appendices

Appendix A – Table of Amendments Proposed by the Budget Scrutiny and Policy Development Panel.

Agreed and signed off for publication by:

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