
Review of the Constitution and Member/Officer Protocol

To: **Standards Committee – 15 September 2015**

By: **Monitoring Officer**

Classification: **Unrestricted**

Ward: **All wards are affected**

Summary: **The Committee are asked to consider the elements of the revised constitution for recommendation to Council.**

For Decision

1.0 Introduction and Background

1.1 Following the LGA Peer Review it was identified that the Constitution should be reviewed and updated to make it clearer and easier to understand and to reflect current practices as well as amend legislative provisions where appropriate.

1.2 The Council commissioned Essex Legal Services to undertake this review in conjunction with council officers. The work undertaken by Essex Legal Services has, in accordance with the Constitution, been reviewed in detail by the Constitutional Review Working Party at a number of recent meetings.

2.0 The Current Situation

2.1 This report represents the first tranche of that work and includes the following parts of the Constitution which are attached:

- The Protocol on Member/Officer Relations
- Part 1 - Summary and Explanation of the Constitution
- Part 2 – Articles of the Constitution
- Part 4 - Rules of Procedure

2.2 Further tranches of the revised Constitution will be brought to future meetings with a final composite document being taken to Council in December.

3.0 Options

3.1 To agree the revised parts of the Constitution as drafted and recommend them to Council

3.2 To amend the revised Constitution as drafted and recommend them to Council.

4.0 Corporate Implications

4.1 Financial and VAT

4.1.1 The financial implications relate to the costs of Essex Legal Services which have already been budgeted for and the costs of printing the new Constitution.

4.2 Legal

4.2.1 Under the Local Government and Housing Act 1989 the Monitoring Officer is responsible for the operation of the Council's Constitution.

4.2.2 Under section 37 of the Local Government Act 2000, a local authority which is operating executive arrangements must prepare and keep up to date a document (referred to as their constitution) which contains:

- (a) Such information as the Secretary of State may direct,
- (b) A copy of the authorities standing orders for the time being,
- (c) A copy of the authority's code of conduct for the time being under section 51, and
- (d) Such other information (if any) as the authority consider appropriate.

A local authority must ensure that copies of their constitution are available at their principal office for inspection by members of the public at all reasonable hours.

A local authority must supply a copy of their constitution to any person who requests a copy and who pays to the authority such reasonable fee as the authority may determine.

4.3 Corporate

4.3.1 This review of the Constitution has been undertaken as part of the action plan following the peer review by the Local Government Association.

4.4 Equity and Equalities

4.4.1 The document when completed will be published in appropriate formats to comply with our public sector equality duties.

5.0 Recommendation(s)

5.1 The Committee consider the revised parts of the Council's Constitution and recommend them to Council with amendment if appropriate.

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Reporting to:	<i>Madeline Homer, Chief Executive</i>

Annex List

Annex 1	Draft Member/Officer Protocol
Annex 2	Draft Constitution – Parts 1 and 2
Annex 3	Draft Constitution Part 4 - Rules of Procedure