
CONSTITUTIONAL CHANGES

To: **Standards Committee – 21 January 2016**

By: **Director of Corporate Governance**

Classification: **Unrestricted**

Summary: **This report outlines the proposed changes to the Council's Constitution.**

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 both Essex Legal Services and Council Officers has, in accordance with the Constitution, been reviewed in detail by the Constitutional Review Working Party at a number of recent meetings.
- 1.3 The Standards Committee must consider the changes proposed by the Constitutional Review Working Party and must then make recommendations to Full Council on these changes.

2.0 The Current Situation

- 2.1 Standards Committee considered the amended Member/Officer protocol, Parts 1 (Summary of the Constitution) and Part 2 (Articles of the Constitution) and Part 4 (Rules of Procedure) and recommended them to Council at its meeting on 15 September 2015.
- 2.2 Attached to this report at Annex's 1 to 7 are the parts of the constitution that the Constitutional Review Working Party and have considered and proposed changes to. In response to feedback received at the last Standards Committee meeting, all of the changes proposed are shown in track changes.
- 2.3 The Annex's contain the following documents:

Annex 1 – Access to Information Rules

Annex 2 – Article 14 - This is referred to the Standards Committee again as further necessary changes have emerged and were reconsidered by the CRWP since the last meeting of the Standards Committee.

Annex 3 – Delegation Scheme

Annex 4 – Rules of Procedure – This is referred to the Standards Committee again as further necessary changes have emerged and were reconsidered by the CRWP since the last meeting of the Standards Committee.

Annex 5 – Overview and Scrutiny Procedure Rules

Annex 6 – Petitions Scheme

Annex 7 – Members Allowances Scheme – This is for information only as the scheme is agreed by Full Council only.

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

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

Future Meeting if applicable: Council	Date: 25 February 2016
---------------------------------------	------------------------

Contact Officer:	Timothy Howes, Director of Corporate Governance
Reporting to:	Madeline Homer, Chief Executive

Annex List

Annex 1	Access to Information Rules
Annex 2	Article 14
Annex 3	Delegations Scheme
Annex 4	Rules of Procedure
Annex 5	Overview and Scrutiny Procedure Rules
Annex 6	Petitions Scheme
Annex 7	Members Allowances Scheme

Background Papers

Title	Details of where to access copy
<i>None</i>	

Corporate Consultation Undertaken

Finance	N/A
Legal	Timothy Howes, Director of Corporate Governance