

REVIEW OF THE CONSTITUTION

Executive Summary

This report outlines the proposed timetable and consultation process to undertake a review of the Council's Constitution. Members are invited to discuss the matter in general terms and make early suggestions for inclusion within the review.

Recommendations

The Committee is requested to:

RESOLVE That the report be noted.

The Committee has the authority to determine the recommendation set out above.
--

Background Papers:	<u>The Constitution</u>
Reporting Person:	Joanne McIntosh, Director of Legal and Democratic Services Email: Joanne.McIntosh@woking.gov.uk, Extn: 3038
Contact Person:	Joanne McIntosh, Director of Legal and Democratic Services Email: Joanne.McIntosh@woking.gov.uk, Extn: 3038
Portfolio Holder:	Councillor Ann-Marie Barker Email: CllrAnn-Marie.Barker@woking.gov.uk
Shadow Portfolio Holder:	Councillor Ayesha Azad Email: CllrAyesha.Azad@woking.gov.uk
Date Published:	2 September 2022

1.0 Introduction

- 1.1 The Council is required by law (Local Government Act 2000) to prepare and maintain a constitution. It has been agreed that a wholesale review of the Constitution shall be undertaken. As a matter of good practice, this review shall include consulting with all Members together with the Overview and Scrutiny Committee and Standards and Audit Committee prior to adoption by Full Council. This report outlines the timetable and proposed methodology of the review and invites comment and suggestions from the Committee to inform the review.
- 1.2 Councillors will be familiar with the Constitution which sets out the basic rules governing the Council's business. For ease of reference, a link to the same is provided as a background document.

2.0 The Constitution

- 2.1 The purpose of the Constitution is to:
- (a) enable the Council to provide leadership to the community in partnership with citizens, businesses and other organisations;
 - (b) support the active involvement of local people in decisions made by the Council;
 - (c) help councillors represent their constituents more effectively;
 - (d) enable decisions to be taken efficiently and effectively;
 - (e) create a powerful and effective means of holding decision-makers to public account;
 - (f) ensure that no one will review or scrutinise a decision in which they were directly involved;
 - (g) ensure that those responsible for decision making are clearly identifiable to local people, and that they can explain the reasons for their decisions; and
 - (h) provide a means of improving delivery of services to the community.
- 2.2 The Council exercises all of its powers and duties in accordance with the law and its constitution. The Constitution should at all times remain fit for purpose and its aims and principles given effect.
- 2.3 The Constitution should primarily be a locally driven document which reflects the character and culture of the organisation and facilitates Council business, rather than something that creates bureaucratic procedures. However, the Committee should be mindful that this is a delicate balance; the Constitution is the Council's rule book which governs the Council's business and as such certain procedures and practices must remain.

3.0 Initial considerations

- 3.1 As part of the review, I shall seek to modernise the Constitution and make it user friendly avoiding the use of legal jargon wherever possible. It is also intended to provide clarification through clear drafting on areas which lead to confusion. For example, in respect of amendments to motions; what constitutes an amendment, when can it be made and how the debate follows. These changes shall ensure that the document is widely accessible and understandable to all and in turn shall provide assurance that the Council is operating in an open and transparent manner.

Review of the Constitution

- 3.2 The Constitution has been updated over the years as and when necessary, for example to reflect changes in the law or structure of the Council. This can at times lead to inconsistency in terminology and/or approach. A wholesale review shall ensure consistency between various parts of the Constitution. Further to this, timeframes and deadlines can be aligned to ensure efficiencies. For example, the deadline for submitting a Notice of Motion falls after the agenda is published.
- 3.3 Ideally, the review of the Constitution shall result in a reduction in size of the document whilst ensuring that it meets legal requirements. The review proposes to remove any duplication or unnecessary provisions contained within the document, streamlining wherever possible and using short and concise drafting.
- 3.4 The review shall encompass all codes, protocols and rules contained within it to ensure they remain reflective of best practice and guidance.
- 3.5 Unless otherwise agreed, it is not proposed to re-visit areas which have recently been updated such as the Members Code of Conduct and Arrangements for the Dealing with Allegations of Misconduct by Councillors under the Localism Act. These Arrangements have been recently updated following consultation with Members.
- 3.6 The review shall ensure that the Constitution continues to achieve and deliver the purposes of the Constitution in a way which reflects the character and culture of the organisation and enables the Council business to proceed in an open and transparent manner.
- 3.7 Following the adoption of the new Constitution it is proposed to produce a companion guide that will assist Members, Officers and residents to understand the Council's Constitution.

4.0 Observations

- 4.1 Councillors will, of course, be familiar with the Constitution and the procedures of the Council contained within it. The Committee is invited to suggest high level themes and areas that they would like to see considered during the review of the constitution. It is always helpful to have constructive feedback and the Committee's thoughts are welcomed;
 - What works well?;
 - What could be improved?;
 - Is the structure right and does it work (length/articles/summary etc)?;
 - Is it sufficiently "public facing" - can people express their views at meetings adequately?; and
 - Are complaints and other processes clear?

5.0 Timetable

5.1 The proposed timetable outlined below provides an indicative overview of the approach that shall be undertaken:

Date	Consultee	Aim/Purpose
12 Sept 2022	Overview and Scrutiny Committee	To inform the Committee of the review and discuss high level amendments and themes to the Constitution.
Sept/Oct	All Member workshops/ feedback sessions. Consultation with Portfolio Holder and Executive. Consultation with Co-opted Member and Independent Person.	To inform the review. To enable a discussion at a granular level.
Sept/Oct	Consultation with CLT and Senior Managers	To inform the review.
Sept/Oct	Executive and CLT meeting	To consider proposed amendments to the Constitution.
24 Nov 2022	Standards and Audit Committee	To inform the review and consider amendments to the Constitution.
17 Nov 2022	Executive	To receive and comment upon the amended Constitution.
1 Dec 2022	Full Council	To adopt the Council's new Constitution.

6.0 Corporate Strategy

6.1 The review of the Constitution supports the Corporate Strategy ensuring the Council is a high performing Council and that its practices and procedures are open, transparent and accessible to all.

7.0 Implications

Finance and Risk

7.1 There are no specific implications.

Equalities and Human Resources

7.2 There are no specific implications.

Legal

7.3 There is a duty to maintain the Constitution.

8.0 Engagement and Consultation

8.1 The proposed timetable and consultation is outlined in the body of the report.

REPORT ENDS