

REVIEW OF THE CONSTITUTION

Executive Summary

This report outlines the revised timetable and consultation process to undertake a review of the Council's Constitution for implementation in the next municipal year. It provides an update following engagement sessions with Councillors and Council Officers.

Resolution

The Executive is requested to:

RESOLVE That

the progress to date be noted and the revised timetable be agreed.

Reasons for Decision

Reason: The Council is required by law (Local Government Act 2000) to prepare and maintain a constitution.

The Executive has the authority to determine the recommendation(s) set out above.

Background Papers:	None.
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1.0 Introduction

- 1.1 The Council is required by law (Local Government Act 2000) to prepare and maintain a constitution. The review is now under way and following Councillor and Officer engagement sessions a draft version of the Constitution is being finalised for consideration.
- 1.2 This report outlines the revised timetable and proposed methodology of the review. It also provides an update on the feedback to date and welcomes any further areas for suggestion from the Executive.
- 1.3 Councillors will be familiar with the Constitution which sets out the basic rules governing the Council's business. The Council exercises all of its powers and duties in accordance with the law and its constitution. 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.

2.0 Councillor Engagement Sessions

- 2.1 Councillor engagement sessions were held on several dates in November. These informal feedback and discussion sessions were well attended and provided a welcome insight from Councillors, both new and old, together with suggested areas for future change.
- 2.2 The Monitoring Officer has grouped together themes which have arisen throughout the sessions with Councillors and Council Officers below. These have been incorporated into the revised Constitution which has been reviewed by the Leader. The revised Constitution marked with tracked changes shall be circulated to the Overview and Scrutiny Committee, the Standards and Audit Committee, and the Executive for comment prior to adoption by Full Council. Individual Councillors are welcome to contact the Monitoring Officer should they have any queries or comments upon the draft.
- 2.3 The main focus of debate at the engagement sessions was the procedures followed at meetings of Full Council. It was agreed that the procedures can be confusing to residents watching from home and to those involved in the meetings themselves. Streamlining and modernising procedures is a priority area for consideration. The inclusion of flowcharts within the Constitution shall assist to explain matters such as proposed amendments on the evening. It was acknowledged that Full Council is an important business meeting of the Council and should be transacted in an appropriate manner however it was considered that some traditions such as standing to speak may no longer reflect practice of a modern council. The benefits of remaining seated being that Councillors can easily use the audio devices positioned within the chamber and consult notes.
- 2.4 It was suggested that a mechanism should be implemented to allow questions from the public to be put to Full Council and that clarity as to how petitions be received at Full Council be included within the revised procedures.
- 2.5 Councillors reflected that Notices of Motions can often be subject to a lengthy procedure; starting at Full Council before being considered by the Executive and then back to Full Council. It has been proposed to "turn this procedure on its head" in that the Notice of Motion shall be dealt with on the night at Full Council unless the Monitoring Officer or s151 Officer advises that there is a legal, policy or financial reason which need to be addressed before the matter is considered. If this is the case, the Notice of Motion shall revert to the Executive and then Full Council.
- 2.6 It has been agreed that some matters shall not be subject to this review. These include the current Code of Conduct and Arrangements for dealing with Standards Allegations which have recently been reviewed and adopted. These arrangements remain up to date and in line with best practice. It is not considered that they need any further amendment at the moment. At

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Full Council in July 2022, it was agreed to amend the Thamesway Group Protocols and create a separate section in the Constitution. Again, given the recent review of this section it shall not be reviewed again.

- 2.7 Further to the above, it is considered that a review should be undertaken of the Council's Financial Regulations following the appointment of the new s151 Officer. This would form a part of the work programme for the below mentioned Corporate Governance Working Group.

3.0 Timetable

- 3.1 At the meeting of the Overview and Scrutiny Committee on 26 September 2022 it was agreed that the initial proposed timetable should be reconsidered. It was considered that the timetable was ambitious, and the Committee considered that it would be prudent to consider the matter over a longer period to ensure that due consideration was able to be given to all aspects of the review.
- 3.2 The below revised timetable has now been agreed to progress the review and ensure time for adoption prior to implementation in the next municipal year.

Overview and Scrutiny Committee	20 February 2023
Standards and Audit Committee	2 March 2023
Executive	23 March 2023
Full Council	30 March 2023

4.0 Adoption and Establishment of Corporate Governance Working Group

- 4.1 As outlined above it is proposed to adopt the new Constitution at Full Council on 30 March 2023. The Constitution would come into effect the following municipal year. This would allow adequate time for all to familiarise themselves with the new constitution and be a practical point at which to adopt new procedure should as the operation of Full Council meetings.
- 4.2 It is proposed to establish a Corporate Governance Working Group reporting to the Standards and Audit Committee bi-annually. The group's primary focus would be to ensure the continuous review of the Constitution to ensure that it remains fit for purpose and in line with best practice. Terms of Reference shall be initially agreed by the Standards and Audit Committee before being adopted by Full Council as part of the Constitution review. The group shall be established with the view to commence in the next municipal year. It shall initially monitor implementation of the new Constitution and discuss those items which have been scheduled for future consideration.

5.0 Corporate Strategy

- 5.1 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.

6.0 Implications

Finance and Risk

- 6.1 There are no specific implications.

Equalities and Human Resources

6.2 There are no specific implications.

Legal

6.3 There is a duty to maintain the Constitution.

7.0 Engagement and Consultation

7.1 The proposed timetable and consultation are outlined in the body of the report

REPORT ENDS