



East Northamptonshire Council

Council - 20 July 2009

Review of the Council's Constitution

Summary

This paper proposes the creation of a Constitutional Review Group to review the Constitution to ensure that it is fit for purpose for the next five years. It is proposed to bring any resulting recommendations to Council so that they can be implemented from May 2010.

Attachment(s)

None

1.0 Background

- 1.1 The Council's current Constitution was agreed following the passing of the Local Government Act 2000 which required significant changes to the previous version. The Council at that time chose to exercise its right to retain a committee based decision making structure (Alternative" or "Fourth Option Arrangement") as opposed to the Leader and Cabinet/Executive Structure imposed on, or adopted by, many other councils. Within this structure new Standards and Scrutiny Committees were created.
- 1.2 The Constitution follows the modular format specified by statutory guidance and the Local Government Act 2000 requires that certain matters must be included. The general format and overall substance of the Constitution is therefore prescribed. In addition, it should be recognised that the Constitution aims to provide the broad principles by which the Council governs itself and does not (and should not) attempt to deal with routine operational matters.
- 1.3 In anticipation of the imminent Local Government Act 2007, a further review of the Council's Committee structure was carried out in that year which sought:
 - Improved political management arrangements (which in turn provide efficient and effective corporate governance);
 - Fewer Committees, to reduce the number of meetings, remove duplication and reduce time spent attending and preparing for meetings;
 - A minimum of one seat per elected Member;
 - An enhanced profile and recognition for the significant time spent by elected Members on community activity
- 1.4 As a result of this review, changes were made to the Council's political management arrangements, including a revised Committee structure, and the establishment of the Finance and Personnel Sub-Committees, and the revised terms of reference of Committees and Community Champions. The approach in relation to the appointment or nomination of Councillors on outside bodies, and the Calendar of Meetings for the forthcoming year were also agreed (minute 391 – 1 March 2007 refers). The Monitoring Officer was authorised to make the consequential changes to the Constitution.

2.0 Need for Current Review

- 2.1 Some eight years after the introduction of the new Constitution the Council now has more committees, working parties and panels than prior to 2001 when the new arrangements were adopted and time spent in meetings and preparing for meetings

by both Members and Officers has increased significantly. It is clear that the burden on Members in terms of the level of understanding required to fulfil roles as Chairmen of Committees and as Lead Members and Champions has also increased, leaving less time for their role as Ward Members.

- 2.2 Other aspects of the Constitution, such as the Scheme of Delegation, have ‘grown like Topsy’ over the past nine years, as a result of new legislation being introduced which requires specific delegation to be confirmed in order to reduce the burden on Committee Agendas in dealing with minor matters of implementation or frequent changes in named staff.
- 2.3 In addition a new version of the Code of Conduct for Members, and a new Code of Conduct for Officers, are expected to be launched shortly and will require adoption into the Council’s Constitution.
- 2.4 Finally, the current recession and likely future squeeze on public spending require the Council to review all aspects of its activities to ensure that they are as efficient and effective as possible. This review will provide an timely opportunity to ensure that the Council’s Constitution includes best practice from other authorities, especially other “4th Option” councils, in order to provide for ‘streamlined’ decision making to meet the challenges of the next few years
- 2.5 It is proposed to carry out the review through a working group of six Members supported by relevant officers as below. The Scrutiny Committee will be invited to review reports produced by the working group.

3.0 Recommendations

3.1 It is recommended that:-

- (1) A small and time limited Member and Officer working group be set up to review the Constitution and make recommendations to the full Council no later than 26 April 2010.
- (2) The working group comprise no more than six Members representing a wide range of Council committees including Policy & Resources, Regulatory Committees and Standards, and be supported by the Monitoring Officer and the Democratic Services Manager, together with appropriate legal and other advisors.
- (3) The remit of the Working Group be as follows:-

To review the Constitution to explore the opportunities for simplification of processes with a view to improving the effectiveness and efficiency of the decision making process and increasing Member, and other expert, and community, involvement in shaping policy within the prescribed legal framework.

Implications:		
Corporate Outcomes or Other Policy/Priority/Strategy		
Good Quality of Life	<input type="checkbox"/>	Good Reputation <input type="checkbox"/>
Good Value for Money	<input type="checkbox"/>	High Quality Service Delivery <input type="checkbox"/>
Effective Partnership Working	<input checked="" type="checkbox"/>	Strong Community Leadership <input type="checkbox"/>
Effective Management	<input checked="" type="checkbox"/>	Knowledge of our Customers and Communities <input type="checkbox"/>
Employees and Members with the Right Knowledge, Skills and Behaviours		<input checked="" type="checkbox"/>
Other:		
Decision(s) would be outside the budget or policy framework and require full Council approval		<input checked="" type="checkbox"/>

Financial	There are no financial implications at this stage	<input checked="" type="checkbox"/>			
	There will be financial implications – see paragraph	<input type="checkbox"/>			
	There is provision within existing budget	<input type="checkbox"/>			
	Decisions may give rise to additional expenditure at a later date	<input type="checkbox"/>			
	Decisions may have potential for income generation	<input type="checkbox"/>			
Risk Management	An assessment has been carried out and there are no material risks	<input checked="" type="checkbox"/>			
	Material risks exist and these are recorded at Risk Register Reference - inherent risk score - residual risk score -	<input type="checkbox"/>			
Staff	There are no additional staffing implications	<input checked="" type="checkbox"/>			
	Additional staff will be required – see paragraph	<input type="checkbox"/>			
Equalities and Human Rights	There will be no impact on equality (race, age, gender, disability, religion/belief, sexual orientation) or human rights implications	<input checked="" type="checkbox"/>			
	There will be an impact on equality (see categories above) or human rights implications – see paragraph	<input type="checkbox"/>			
Legal	Power: Local Government Acts 1972 and 2000, Local Government and Public Involvement in Health Act 2007				
	Other considerations:				
Background Papers: Council Constitution					
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Date: 10 July 2009					
CFO		MO		CX	

(Committee Report Normal Rev. 19)