

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Review of the Constitution

Meeting/Date: Standards Committee: 25th June 2015

Executive Portfolio: Councillor Roger Harrison

Report by: Shirley Tracey

Executive Summary

Bevan Brittan has been instructed to carry out a review the Council's Constitution. They have been asked to provide advice about the rewriting of the Constitution and provide an initial assessment at this stage of their views in relation to the Constitution and how matters should progress. It is considered that the Constitution at present is not fit for purpose. It is very verbose and Bevan Brittan have commented that it is probably one of the longest which they have seen due mainly to the very lengthy scheme of delegations and to the use of lists of examples, neither of which in their view assist the Council to effectively carry out its functions .

Recommendations:

This report is for information only at present.

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1. WHAT IS THIS REPORT ABOUT/PURPOSE?

- 1.1 This report is for information only at this stage. The Council's Constitution should enable it to carry out its business effectively. It sets down the necessary procedure about decision making which should be followed, and the council must abide by it, unless it is in conflict with legislation, which will then prevail. The current Constitution is extremely verbose and unnecessarily complex and unclear which at times makes it unworkable.

2. THE REASONS FOR THE CHANGES

The Constitution should be not only be compliant with existing legislation and case law, but will also provide an effective and efficient framework within which decisions can be taken in an appropriate way, and by ensuring that members, officer and the public are clear about the procedures and the decision making, and scrutiny process which the Council follows.

Recent case law has emphasised the importance of Councils observing their Constitution when making decisions. The Constitution is owned by the Council and so it is important that members are involved in discussing the options which there are about how the Constitution is developed and in the recommendations to Council as to the most effective result.

It is suggested that the principles that should be adopted are as follows. The constitution should:

- Focus on how the Council carries out its business;
- Be more streamlined and so less wordy;
- Make it easier for the Council to do its business in not only a legal, but in an efficient and timely manner;
- Contain a revised and much simpler scheme of delegation which will not need constant revisions as statutes change and so which will minimise the risk of challenge. This will involve the development of a scheme of delegation for executive functions, and a scheme of delegation for Council functions, but in terms of role rather than statute;
- Provide clarity about the roles of officers and members, including the role of the portfolio holders and chairmen of Council Committees;
- Use the Local Choice functions in a way which facilitates quick and effective decision making;
- Be accessible to the public of the area.

If applied correctly and through discussion with members and officers, the review of the Constitution should result in a document which facilitates the Council's decision making. It should be a readable document which sets out principles with guidance as to, for example how it is expected that these principles should be applied; and with examples covered in separate guidance notes.

3. WHAT ACTIONS WILL BE TAKEN/TIMETABLE FOR IMPLEMENTATION

- 3.1 It is anticipated that there will be a first a meeting with the member group who will ultimately recommend the constitutional changes to full Council, probably in

November. At this point, Bevan Brittan will attend to discuss the principles and the implications of these.

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