

# AUDIT AND GOVERNANCE COMMITTEE



Report subject	<b>Appointment of the Constitution Review Working Group</b>
Meeting date	27 July 2023
Status	Public Report
Executive summary	<p>The Audit and Governance Committee is responsible for maintaining an overview of the Council's Constitution and governance arrangements.</p> <p>The use of a Working Group since 2020 has proved to be effective in undertaking an agile approach to reviewing provisions of the constitution and considering matters raised by councillors. The committee is therefore asked to confirm the continuation of the Working Group, consider potential revisions to the terms of reference and approve the membership.</p>
Recommendations	<p><b>It is RECOMMENDED that:</b></p> <p><b>(a) the Constitution Review Working Group be established comprising five councillors, including the Chair and Vice-Chair of the Audit and Governance Committee plus three other councillors;</b></p> <p><b>(b) the remit of the Working Group as detailed in paragraph 10 to this report be approved.</b></p>
Reason for recommendations	<p>The continuation of the Constitution Review Working Group will provide an agile and efficient mechanism to consider changes to the Constitution and wider governance issues.</p>

Portfolio Holder(s):	Councillor Viki Slade (Leader and Portfolio Holder for Dynamic Places)
Corporate Director	Ian O'Donnell (Corporate Director for Resources)
Report Authors	Richard Jones (Head of Democratic Services)
Wards	Not applicable
Classification	For Decision

## Background

1. The Committee's Terms of Reference, as contained in the Council's Constitution, includes responsibility for maintaining an overview of the Council's Constitution in respect of financial regulations, working protocols and codes of conduct and behaviour (not otherwise reserved to the Standards Committee).
2. In undertaking previous reviews of the Constitution, the Committee established a Working Group to make a series of recommendations for the Committee to consider before recommending changes to full Council.
3. The Working Group has in general proved to be effective with sufficient agility to respond quickly to suggestions for change, although it should be acknowledged that the work and recommendations of the Working Group have not always been supported which has led to lengthy debate in committee and council meetings.
4. A number of significant changes are proposed to the governance structure for BCP including the creation of area planning committees and review of the decision-making options in relation to a cabinet or committee structure.

## Working Group Arrangements

5. It is proposed that the Committee re-establish the Constitution Review Working Group comprised of five Councillors. Membership of the Working Group has previously included the Chair and Vice-Chair of Audit and Governance plus three other members of the council.
6. The Working Group is not a decision-making body and political balance provisions do not apply, however, cross-party representation would identify matters which may be more contentious before proceeding to the Committee or full Council.
7. Membership of the Working Group is not restricted to the Audit and Governance Committee if deemed appropriate. This may provide greater flexibility and input from the wider council membership.
8. The Working Group will meet as required to consider changes to the Constitution, consulting where necessary with internal stakeholders including the wider council membership and recommending changes to the Audit and Governance Committee to consider.
9. The Working Group may consider evidence from other local authorities in forming its proposals for recommendation by the Audit and Governance Committee.

10. The remit of the Working Group has previously focused on the content, interpretation and operational implementation of the Constitution, however, for clarity the Constitution defines how the council decision-making operates which includes the regulatory committees, overview and scrutiny functions and executive arrangements. It would therefore be appropriate to clarify that the Working Group could consider requests and make recommendations for changes to these matters and the overall governance model of the Council.

### **Options Appraisal**

11. The Audit and Governance Committee has responsibility for maintaining an overview of the constitution and to make recommendations to full council. The Committee as a whole could perform the whole process, however, this will be time-consuming for the committee to consider the necessary detail and is likely to delay the implementation of changes.
12. The re-establishment of a Working Group will provide greater agility, will be capable of meeting more rapidly as required for important issues, and yet maintain transparency through the presentation of recommendations to the full committee and council.

### **Summary of financial implications**

13. There are no financial implications arising from this report.

### **Summary of legal implications**

14. The Council is required to maintain a Constitution which complies with legislation, statutory guidance and case law.

### **Summary of human resources implications**

15. There are no direct additional implications arising from this report.

### **Summary of sustainability impact**

16. There are no direct sustainability implications arising from this report.

### **Summary of public health implications**

17. There are no direct public health implications arising from this report.

### **Summary of equality implications**

18. There are no direct equality implications arising from this report.

### **Summary of risk assessment**

19. There are no direct additional risks arising from this report.

### **Background papers**

None

### **Appendices**

There are no appendices to this report.