

AUDIT AND GOVERNANCE COMMITTEE



Report subject	Review of the Council's Constitution - Recommendations of the Constitution Review Working Group
Meeting date	11 April 2024
Status	Public Report
Executive summary	The report summarises the issues considered by the Constitution Review Working Group and sets out a series of recommendations arising from the Working Group for consideration by the Committee relating to the introduction of budget and policy framework procedure rules. Any recommendations arising from the Committee shall be referred to full Council for adoption.
Recommendations	It is RECOMMENDED that: (a) in relation to Issue 1 (Budget and Policy Framework Approval Procedure Rules) the proposed amendment to insert the new Procedure Rules into Part 4E of the Constitution, as set out in Appendix 1 to this report, be approved; (b) any necessary and consequential technical and formatting related updates and revisions to the Constitution be delegated to the Monitoring Officer.
Reason for recommendations	To make appropriate updates and revisions to the constitution following consideration by the Working Group.

Portfolio Holder(s):	Councillor Vikki Slade (Leader of the Council and Portfolio Holder for Dynamic Places)
Corporate Director	Graham Farrant (Chief Executive)
Report Authors	Janie Berry (Director of Law and Governance and Monitoring Officer) Richard Jones (Head of Democratic Services)
Wards	Not applicable
Classification	For Recommendation

Background

1. The Terms of Reference of the Audit and Governance Committee include 'Maintaining an overview of the Council's Constitution and governance arrangements in all respects'.
2. In discharge of this responsibility the Committee established a Constitution Review Working Group of five of its Councillors. The current members of the Working Group are Councillor Connolly (Chair) and Councillors Andrews, Beesley, Castle and Phipps. Since its establishment in July 2020, the Working Group has continued to meet on a regular basis to consider requests for change. The Group receives advice from various officers including the Monitoring Officer and Head of Democratic Services. From time to time, as required, Officers and Councillors with specialist responsibility have been invited to have an involvement.
3. Since its establishment, the Working Group has continued to meet on a regular basis and completed various phases of its work. Recommendations that were agreed by Council have been implemented and incorporated into a revised and updated version of the Constitution and published on the Council's web site.
4. The Working Group has considered suggestions received from a wide variety and range of sources including input from Councillors and Officers.

Format

5. Throughout the work of the Group a 'Forward Plan' of issues has been maintained and added to as additional issues have arisen. This approach will continue to be adopted for capturing future issues.
6. Where appropriate, any proposed changes to the Constitution are shown with track changes in the appendices to this report (and where changes are proposed to individual paragraphs these may be embedded into the body of this report in red outline boxes) to assist members identifying the proposed changes. Page number references are to pages within the current Constitution.

Options Appraisal

7. The Working Group considers carefully whether or not changes are necessary on each issue raised. If supported the Working Group determines the proposed

alterations to the wording which forms the basis of the recommendations to the Audit and Governance Committee. This report sets out the proposed changes following those deliberations.

8. For ease of reference, each matter considered will be referred to as an Issue with a corresponding number which will be referenced through the report and recommendations. There is only one issue for consideration in this report.

ISSUE 1 – BUDGET AND POLICY FRAMEWORK APPROVAL PROCEDURE RULES

9. The DLUHC Best Value Action Plan recommended the introduction of new Procedure Rules for the Budget and Policy Framework Approval process. This was also included in the Chief Executive's Action Plan to improve governance arrangements.
10. The proposed framework is based on a review of other large unitary authorities' procedure rules and is considered to address concerns of potential weaknesses with the existing arrangements, including the prevention of a late change to an administration's budget proposal before council.
11. It was acknowledged that as a new document it would be appropriate to review these rules after 12 months of operation and the Working Group agreed to include such a review in the work plan for Spring 2025.
12. The new Procedure Rules aim to strengthen and clarify the decision-making process for the consideration, objection, amendment and approval of key policies and budget proposals.
13. The proposed new Procedure Rules which will be included in Part 4 (Procedure Rules) is set out in Appendix 1 to this report. Track changes are not shown as the whole document is new. It is proposed to reference these new procedure rules as Part 4E and to alter the referencing for the Officer Employment Procedure Rules from section 4E to 4F.

14. RECOMMENDATION

It is RECOMMENDED that in relation to Issue 1 (Budget and Policy Framework Approval Procedure Rules) the proposed rules to be added to Part 4E, as set out in Appendix 1 to this report, be approved.

Summary of financial implications

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

Summary of legal implications

16. The Constitution of the BCP Council complies with relevant legislation. Where appropriate, the Constitution references relevant legislation which underpins specific procedure rules.

Summary of human resources implications

17. There are no human resource implications arising from this report.

Summary of sustainability impact

18. There are no sustainability implications arising from this report.

Summary of public health implications

19. There are no public health implications arising from this report.

Summary of equality implications

20. The Constitution of the BCP Council sets out the rights of public access to the democratic process. Where appropriate the Equality Officer is engaged on relevant issues.
21. The proposed Constitution changes contained within this report do not impact directly or indirectly upon service users and as a consequence there are no equality implications arising from this report.

Summary of risk assessment

22. The Constitution is a legally required document which prescribes the procedural and democratic arrangements for the proper governance of the Council.

Background papers

Published works

Appendices

Appendix 1 - Proposed Budget and Policy Framework Approval Procedure Rules