

AUDIT AND RISK COMMITTEE

30 November 2021

CONSTITUTION REVIEW**Report of the Interim Monitoring Officer**

Strategic Aim:	Customer-focussed services	
Exempt Information	No	
Cabinet Member(s) Responsible:	Cllr O Helmsley, Leader of the Council and Portfolio Holder for Policy, Strategy, Partnerships, Economy and Infrastructure	
Contact Officer(s):	Marie Rosenthal Interim Monitoring Officer	mrosenthal@rutland.gov.uk
Ward Councillors	N/A	

DECISION RECOMMENDATIONS

That the Audit and Risk Committee:

1. Approves the Terms of Reference set out in the Report for a Constitution Review by the Constitution Review Working Group.
2. Refers this report to Council for approval.

1 PURPOSE OF THE REPORT

- 1.1 To agree terms of Reference for a comprehensive review of the Constitution to ensure it is up to date and fit for purpose.

2 BACKGROUND

- 2.1 The Constitution sets out how the Council operates; how decisions are made and the procedures which are followed to ensure that these are efficient, transparent, and accountable to local people.
- 2.2 The Council has a legal duty to publish an up-to-date Constitution and keep it up to date with any necessary changes being normally considered at the annual council meeting.
- 2.3 The Council has made several ad hoc changes to the Constitution over the years but there has not been a comprehensive review for some time. This has led to some internal inconsistency e.g., in relation to Petitions and the setting up of Scrutiny Task and Finish groups.

- 2.4 Under Part 3, Section 6.3 of the Constitution, the Audit and Risk Committee is currently responsible for oversight of the Constitution. The Audit and Risk Committee are asked to agree that the Constitution Working Group lead the review reporting back on progress as appropriate.

3 THE CONSTITUTION

- 3.1 The Constitution must contain:

- (a) the Council's standing orders/procedure rules.
- (b) the members' code of conduct.
- (c) such information as the Secretary of State may direct.
- (d) Such other information (if any) as the authority considers appropriate

- 3.2 A Constitution Direction was issued by the Secretary of State in December 2000 that requires 80 matters to be included within council constitutions, covering members' allowances schemes, details of procedures for meetings, details of joint arrangements with other local authorities and a description of the rights of inhabitants of the area.

- 3.3 The Council's Constitution currently comprises 398 pages organised into 10 Parts (many divided into several sections). The document is difficult to navigate because there is inconsistent pagination, there is no Index and a very limited search facility.

4. INDEPENDENT HEALTH CHECK REVIEW

- 4.1 It is suggested that the first phase of the Review during comprise an independent review of compliance with legislative provisions and best practice.

- 4.2 This first phase would bring forward options for members to consider with a view to developing a clearer, more succinct Constitution which better reflects the present values of the Council, is accessible, up to date and will incorporate changes to modernise the document and make it easier to use.

5. ROLE OF CONSTITUTION WORKING GROUP [CRWG]

- 5.1 It is proposed that the CRWG steer the work of the Constitution Review using its scheduled meetings on 12 January, 2 March 2022 with a view to bringing proposals to the Council meeting on 11 April to permit any changes to take effect from the annual meeting on 9 May 2022.

6. PROPOSED TERMS OF REFERENCE AND PROGRAMME FOR THE REVIEW

- 6.1 It is proposed that the Review encompass the following activities:

- develop a shortened, streamlined, and improved Constitution to better support effective and efficient decision making
- review the Overview and Scrutiny arrangements across the Council in accordance with the statutory government guidance published in May 2019
- carry out a survey of all members on how the Constitution can be improved
- review the use of remote meetings
- assist the Interim Monitoring Officer in recommending to full council a revised version of the constitution by May 2022
- propose a programme of training and development for members and officers on

the new Constitution.

6.2 The following outline Programme is suggested to carry out the Review

Agree Terms of Reference	11 November 2021
Information Report	Audit and Risk Committee 9 November 2021 and Council 13 December 2021
Phase 1 Health Check	12 January 2022
Member Survey Analysis	12 January 2022
Initial Recommendations	12 January 2022
All Member Seminar	February 2022
Scrutiny New Proposals	2 March 2022
All Member Seminar	March 2022
Report to Council	9 April 2022

Any changes come into effect from Annual Council 9 May 2022

7 CONSULTATION - MEMBER SURVEY

7.1 It is suggested that the CRWG commission an all-member survey to alert councillors to the Review and to seek ideas for improvement. The survey will consist of a series of questions designed to test members' appreciation of the 7 purposes of the Rutland Constitution set out in Article 1.

- The Constitution provides guidance on how the Council provides leadership to the community and partnership with citizens, businesses, and other organisations.
- The Constitution supports the active involvement of citizens in the process of council decision making; it is easy to understand and is up to date
- The Constitution helps Councillors to represent their constituents more effectively.
- The Constitution enables decisions to be taken efficiently and effectively.
- The Constitution ensures that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decision
- The Constitution creates a powerful and effective means of holding decision makers to public account.
- the Constitution ensures that proposals and decisions are effectively and fairly reviewed.
- The Constitution provides a means of improving the delivery of services to the community.

7.2 The Survey will ask members about their experience of the council's scrutiny function, what is working well and what could be improved. The Survey will also canvass views on member development and other ways the council can better support its councillors in leading the Council.

7.3 The Survey will also ask participants to comment on their answers and identify ways in which the Constitution could be improved.

8 SCRUTINY REVIEW

- 8.1 It is understood that the Council's Scrutiny arrangements were last comprehensively reviewed in 2011. The proposed Review offers a timely opportunity to review the existing Rutland scrutiny arrangements.
- 8.2 Mandatory government Statutory Guidance was published in May 2019 under the provisions of section 9Q of the Local Government and Housing act 2000 and Schedule 5A of the Local Democracy, Economic Development and Constriction Act 2009 encouraging all councils to cast a critical eye over their existing arrangements and, above all, ensure they embed a culture that allows overview and scrutiny to flourish.
- 8.3 This Guidance was issued to ensure local authorities and combined authorities are aware of the purpose of overview and scrutiny, what effective scrutiny looks like, how to conduct it effectively and the benefits it can bring. Local authorities and combined authorities must have regard to it when exercising their functions.

9 ALTERNATIVE OPTIONS

- 9.1 Not to carry out the Review. This is not recommended

10 FINANCIAL IMPLICATIONS

- 10.1 None identified

11 LEGAL AND GOVERNANCE CONSIDERATIONS

- 11.1 Section 37 of the Local Government Act 2000 sets out the duty of the Council to prepare and keep up to date its constitution as follows:

(1) A local authority which are operating executive arrangements or alternative arrangements must prepare and keep up to date a document (referred to in this section as their constitution) which contains— (a) such information as the Secretary of State may direct, (b) a copy of the authority's standing orders for the time being, (c) a copy of the authority's code of conduct for the time being under section 51; and (d) such other information (if any) as the authority consider appropriate.

(2) A local authority must ensure that copies of their constitution are available at their principal office for inspection by members of the public at all reasonable hours.
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(3) A local authority must supply a copy of their constitution to any person who requests a copy and who pays to the authority such reasonable fee as the authority may determine.

12 DATA PROTECTION IMPLICATIONS

- 12.1 A Data Protection Impact Assessments (DPIA) has not been completed at this stage.

13 EQUALITY IMPACT ASSESSMENT

- 13.1 An Equality Impact Assessment (EqIA) has not been completed as it is not necessary at this stage. One will be completed when considering public participation and access.

14 COMMUNITY SAFETY IMPLICATIONS

None Identified

15 HEALTH AND WELLBEING IMPLICATIONS

15.1 None identified

16 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

16.1 There is a need to carry out a comprehensive review of the Rutland Council Constitution to ensure that it is fit for purpose and up to date.

17 THERE ARE NO ADDITIONAL BACKGROUND PAPERS TO THE REPORT

18 THERE ARE NO APPENDICES

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.