

## COUNCIL

9 May 2022

### REVIEW OF THE CONSTITUTION

#### Report of the Monitoring Officer

Strategic Aim:	All	
Exempt Information	No	
Cabinet Member(s) Responsible:	Cllr O Hemsley: 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
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Ward Councillors	N/A	

#### DECISION RECOMMENDATIONS

That Council:

1. Notes the work of the Constitution Review Working Group and thanks its members for reviewing the Constitution and proposing the revisions detailed in the Report to ensure legal compliance.
2. Agrees to adopt the revised Contents and Part 1 - Introduction to the Constitution at Annex 1.
3. Agrees to adopt the revised Part 2 - Articles at Annex 2.
4. Agrees to adopt the revised Part 3 – Responsibility for Functions at Annex 3 including the new terms of reference for the Constitution Commission and the Strategic Overview and Scrutiny Committee agreed by Council on 11 April 2022.
5. Agrees to adopt the updated terms of reference for the Health and Wellbeing Board at Annex 5 to be substituted into Part 3 of the Constitution.
6. Agrees to adopt the revised Part 4 – Procedure Rules at Annex 4.
7. Agrees to adopt the revised Public Speaking Scheme for Planning and Licensing Committee at Annex 6 into Part 5 of the Constitution.

8. Agrees to remove the following Codes from Part 5 and publish them elsewhere on the council's website: The Counter Fraud Strategy, Whistleblowing Policy, Monitoring Officer Protocol, Scrutiny Function Protocol and School Governor Protocol
9. Authorises the Monitoring Officer to publish a definitive version of the Constitution (removing track changes, incorrect numbering, editing, or formatting errors) with a version history, Glossary, and Index together with a Public Guide to the Constitution.

## **1 PURPOSE OF THE REPORT**

- 1.1 To note the outcome of the comprehensive review of the Constitution requested by Council on 30 November 2021 and to agree the proposed changes recommended by the Constitution Review Working Group.

## **2 BACKGROUND**

- 2.1 The Audit and Risk Committee is currently responsible for oversight of the Constitution. On 9 November 2021, the Audit and Risk Committee agreed to recommend to full Council terms of reference, scope, and time scale for a Constitution Review.
- 2.2 Full Council on 30 November 2021 agreed the proposed terms of reference including a review of the overview and scrutiny function to be led by the Constitution Review Working Group (CRWG).
- 2.3 The CRWG met on the 10 November 2021; 12 January, 9 February, 2 and 23 March and 12 April 2022 to conduct the review in several phases. This included a detailed Technical Review to ensure the Constitution was legally compliant with all relevant legislation.
- 2.4 An all-member briefing session on the proposed changes and a new Model Code of Conduct was held on the 4 April 2022
- 2.5 This Report updates members on the Review and makes recommendations to improve the Constitution in line with legislation and best practice.
- 2.6 Council agreed a new Member Code of Conduct on 11 April 2022 which will be substituted for the current one in the new Constitution.
- 2.7 The Health and Wellbeing Board agreed to recommend updated terms of reference on the 5 April 2022 which are set out at Annex 5 to be substituted for the current one in Part 3 of the new Constitution.

## **3 THE CONSTITUTION**

- 3.1 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.
- 3.2 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. The Council has made several 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.

3.3 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

3.4 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 no search facility. It is suggested that an updated and shortened version would assist the Council in improving its governance and accountability arrangements including providing more clarity around decision making.

3.5 The Local Government Act 2000 (Constitutions) (England) Direction 2000 sets out 26 matters (a-z) which should be included – The CRWG considered these in detail as Phase 1 of the review with an analysis of how the Rutland Constitution compares with recommendations for improvement. These recommendations are consolidated in the recommendations in this Report.

## **4 TERMS OF REFERENCE FOR THE REVIEW**

4.1 These were agreed by Council on 30 November 2021 as follows:

- 4.1.1 Develop a shortened, streamlined, and improved Constitution to better support effective and efficient decision making
- 4.1.2 Review the Overview and Scrutiny arrangements across the Council in accordance with the statutory government guidance published in May 2019
- 4.1.3 Carry out a survey of all members on how the Constitution can be improved
- 4.1.4 Review the use of remote meetings
- 4.1.5 Assist the Interim Monitoring Officer in recommending to full council a revised version of the constitution by May 2022
- 4.1.6 Propose a programme of training and development for members and officers on the new Constitution.

## **5 INDEPENDENT HEALTH CHECK REVIEW**

5.1 The first phase of the review was carried out during November and December 2021 and comprised an independent review of compliance with legislative provisions and best practice.

5.2 The current version of the RCC Constitution was approved by Council on 12 May 2003. Revision dates are sometimes added in footers to specific pages but there is no formally recorded amendment history. The latest published version has a revised

date of December 2020 but a check of council minutes over the last few years suggests that it is amended on average 2-3 times a year. A Version Control Protocol will be introduced as part of the review to record and publish all changes.

5.3 The Constitution follows the format of the model Constitution recommended by the Association of Local Authority Lawyers in 2000. It comprises 10 Parts as detailed below. It is not proposed to make any changes to the format:

5.3.1 Part 1 - Summary and Explanation including Definitions

5.3.2 Part 2 - Articles 1-15

5.3.3 Part 3 - Responsibility for Functions

5.3.4 Part 4 - Procedure Rules (9 in total)

5.3.5 Part 5 - Codes and Protocols (10 in total)

5.3.6 Part 6 - Members Scheme of Allowances

5.3.7 Part 7 - Strategic Management Structure Chart

5.3.8 Part 8 - Register of Members of the Executive

5.3.9 Part 9 - Financial Procedure Rules

5.3.10 Part 10 - Contract Procedure Rules

## **6 CONSULTATION MEMBER SURVEY**

6.1 CRWG agreed to commission an all-member survey to alert councillors to the review and to seek ideas for improvement. A short online Survey was prepared and sent to all Members on the 18th of November 2021.

6.2 The Survey involved a series of questions designed to test members' appreciation of the 7 purposes of the Rutland Constitution set out in Article 1.

6.2.1 The Constitution provides guidance on how the Council provides leadership to the community and partnership with citizens, businesses, and other organisations.

6.2.2 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

6.2.3 The Constitution helps Councillors to represent their constituents more effectively.

6.2.4 The Constitution enables decisions to be taken efficiently and effectively.

6.2.5 The Constitution ensures that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decision

6.2.6 The Constitution creates a powerful and effective means of holding decision makers to public account.

6.2.7 the Constitution ensures that proposals and decisions are effectively and fairly reviewed.

- 6.2.8 The Constitution provides a means of improving the delivery of services to the community.
- 6.3 The Survey also asked members about their experience of the council's scrutiny function, what is working well and what could be improved.
- 6.4 Members were asked to complete the survey by the 6th of December 2021. Responses were reported back to the CRWG on the 12th of January. 18 of the current 26 councillors (69%) agreed to participate in the Survey.
- 6.5 Most members agreed that the Constitution does properly regulate decision making but that it does not support public participation. In overall terms members did not agree that the Constitution as currently drafted fully meets all its objectives.
- 6.6 The Survey suggests that there is a need to develop the capacity and capability of elected Councillors to ensure they have the relevant skills and up to date knowledge to carry out their responsibilities. A Member Development Strategy will be considered by the Constitution Review Working Group for presentation to Council in July 2022.
- 6.7 The Survey suggested that more needs to be done to ensure that the Council's scrutiny arrangements are delivering value for money for residents and making a meaningful contribution to the work of the Council. Members would like to see more done to involve the public in the work of scrutiny.

## **7 SCRUTINY REVIEW**

- 7.1 Mandatory government statutory guidance was published in May 2019 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. The Council agreed terms of reference for a review of the scrutiny function in line with the statutory guidance as part of this review.
- 7.2 On the 11 April 2022, Council agreed proposals to relaunch the scrutiny function by moving away from the existing 3-committee and Commission arrangements to a single Strategic Overview and Scrutiny Committee. This change was agreed subject to a review on the effectiveness of the Strategic Overview and Scrutiny Committee in March 2023 after a full year's operation.
- 7.3 The proposed revisions set out in the Report include the consequential changes necessary to implement the new scrutiny arrangements. Article 6 sets out the role and functions for the new Strategic Overview and Scrutiny Committee. The Scrutiny Rules in Part 4 have been strengthened to set out a comprehensive set of terms of reference including details of the Task and Finish groups, Working Groups and Single-Issue panels the new Committee can establish to deliver its Work Programme.
- 7.4 The new terms of reference also include details of the statutory Councillor Call for Action. This is a mechanism for enabling elected members to bring matters of ward concern to the attention of the Council, via the Scrutiny process.

## **8 PROPOSED CHANGES TO THE CONSTITUTION**

- 8.1 The review has identified that Parts 1,2, 3, 4, 5 and 8 require attention. They require

minor editing to ensure compliance with the minimum requirements of the Direction. This will allow some sections to be removed from the Constitution and published elsewhere to assist access. Parts 6 and 7 are factual. Parts 9 and 10 are regularly reviewed and do not form part of the review.

- 8.2 The proposed change to each Part is summarised below and the revised Part appended to the Report. Any new text is marked red and deleted text is struck through.

## **9 PART 1 – INTRODUCTION**

- 9.1 The Contents and Introduction have been updated to include an index using the Definitions section. The Definitions have been updated to allow for emails to be accepted for delivery of Notices and Questions.
- 9.2 A Version Control document will be created to manage all future changes to the published Constitution

## **10 PART 2 – THE ARTICLES**

- 10.1 Part 2 is divided into 15 Articles which set out the basic rules governing the Council's business. The proposed changes are detailed in Annex 4. The main proposed change is to the Policy Framework.
- 10.2 By law, the Council must have a policy framework. This is the list of plans and strategies which are required by law to be decided by the full Council, usually on the recommendation of the Cabinet. These are set out in Article 4 and need updating to reflect changes to the Local Authority (Functions and Responsibilities) (England) Regulations 2000.
- 10.3 The current policy framework includes 12 Policy Documents originally listed as required by the 2000 Regulations. It needs updating to reflect changes in legislation since 2000 as follows:

<b>Name</b>	<b>Comments</b>
Annual Library Plan	Remove as no longer required
Best Value Performance Plan	Remove as no longer required
Children's Services Plan – Should be Children and Young Persons Plan	Retain
Community Care Plan	Remove as no longer required
Community Strategy	Remove as no longer required
Crime and Disorder Reduction Strategy	Retain

Early Years Development Plan	Remove as no longer required
Education Development Plan	Remove as no longer required
Local Transport Plan	Retain
Plans and Strategies which together comprise the Development Plan and Development Plan Documents	Retain
Youth Justice Plan	Retain
Licensing Authority Policy Statement and Statement of Licensing Policy (required by s349 Gambling Act 2005)	Retain
Health and Well Being Strategy	Add

- 10.4 The current policy framework also includes 9 further Policy Documents listed as required by DETR Guidance, none of which are now required by law, although two of these are recommended to remain as detailed below:

<b>Name</b>	<b>Comment</b>
The Council's Strategic Objectives, i.e. The Corporate Plan	Retain
Admission Arrangements for its schools	Remove as no longer required
Adult Learning Plan	Remove as no longer required
Comprehensive Equality Scheme	Remove as no longer required
Quality protects Management Action Plan	Remove as no longer required
Statement of Licensing policy	Retain as no longer required
Local Agenda 21 Strategy	Remove as no longer required
Plan or Strategy for control of borrowing, investment, or capital expenditure	Retain
Food Law Enforcement Service Plan	Remove as no longer required

	required
Other plans and strategies which require the approval of, or submission to, a Minister of the Crown or a Government Office.	Remove as no longer required
Plan or Strategy which comprises Housing Investment Programme	Remove as no longer required

10.5 The remaining changes to Part 2 relate to the new overview and scrutiny function and minor edits to improve accessibility and understanding.

## **11 PART 3 – RESPONSIBILITY FOR FUNCTIONS**

11.1 Part 3 deals with Responsibility for Functions and includes the Council’s Scheme of Delegation which sets out the responsibilities of the Council, those functions that the Council has reserved to itself, those elements that have been delegated to the Cabinet and the general delegations to officers. PR 22 requires the Council to agree the Scheme of Delegation at the annual council meeting. The proposed changes are set out in Annex 3 and summarised below.

### **Terms of Reference for Committees – Health and Wellbeing Board**

11.2 The Health and Wellbeing Board (HWB) met on the 5 April 2022 to review the Terms of Reference of the Board to ensure that there is consensus on its composition and purpose, and clarity on its operation, helping to ensure that it can fulfil its role and potential, to the benefit of Rutland residents, service users and patients.

11.3 The previous Terms of Reference (ToR) were last renewed in 2016. Since then, there have been a range organisational changes (e.g., the introduction of the Primary Care Network and Integrated Care System). This has resulted in changes to the membership of the HWB and the need to make it clear who is collectively accountable for delivery of the HWB’s remit and its responsibilities in relation to the Better Care Fund. The recommended ToR are set out at Annex 5 and if approved will be substituted into Part 3 of the Constitution for the previous set.

### **Terms of Reference for Committees – Constitution Commission**

11.4 It is recommended that the Constitution Review Working Group be formally constituted as a Committee to be called the Constitution Commission to recognise the role of members in ensuring that the Constitution remains up to date and fit for purpose. The Commission can also continue the work of the Constitution Review Working Group in delivering a Member Development Strategy.

### **Delegation To Officers**

11.5 Sections 4,5 and 11 of Part 3 set out a comprehensive Scheme of Officer Delegation. Section 5 deals with Proper Officer designations as required by legislation and section 11 sets out executive and council functions delegated to the Chief Executive and Chief Officers (Directors, including the Monitoring Officer). The delegations to the Strategic Director for People need updating to reflect the recent

## Director of Children Services and Director of Adult Services appointments

- 11.6 The Officer Scheme has been slightly amended to ensure Officers have sufficient authority to take all relevant regulatory and enforcement action in connection with the exercise of functions, including without limitation, issuing any form of Notice, Order, Caution, an Injunction or authorising the commencement of prosecution or other proceedings. The current powers in para 11.9.5 only relate to “serving statutory notices “.
- 11.7 It is recommended that the Monitoring Officer be given authority to conduct and manage legal proceedings and to authorise the compromise, settlement, withdrawal from or discontinuance of any proceedings or claim against the Council (including staffing matters and maladministration) in consultation with the Chief Finance Officer and relevant portfolio holder/ward member, as appropriate. The current powers in Article 13 to the Deputy Director: Corporate Governance are too limited.

### **Executive Functions**

- 11.8 These are not set out in full in the Constitution and a section should be added to Part 3 to correct this with details of each cabinet portfolio. Cabinet functions must be read with the Access to Information Rules and, Cabinet Procedure Rules and Scrutiny Procedure Rules to obtain a comprehensive understanding of executive decision making. This is unduly complex and difficult for the public to understand. It is recommended that the relevant aspects of these 6 parts be consolidated with a flow chart in a Public Guide to show how executive decision making especially in circumstances of urgency is dealt with.

## **12 PART 4 – RULES OF PROCEDURE**

### **Council Procedure Rules (Standing Orders) (Rules 1-69)**

- 12.1 These are clear and comprehensive. A few minor changes are suggested as follows:
- 12.2 PR 17 provides for an Emergency Committee to be established If “in the opinion of the Chairman, the Leader or the Chief Executive, an emergency situation has arisen ...” This requires amendment to provide for a politically balanced committee to be established in relation to council functions. Urgency procedures already exist for executive decisions.
- 12.3 PR21 Substitution – This has been amended to only apply to members who belong to a political group to ensure political accountability.
- 12.4 It is suggested that PR23 be amended to say prescribed items will be on the agenda only when required.
- 12.5 It is suggested that PR 24 should make clear that there should be no agenda item External Organisations and Joint Arrangements at Special Meetings of Council. Furthermore, an explicit position on whether Questions from Members should be an agenda item at special meetings.

### **Deadlines for Public Questions, Deputation and Written Question and Motions**

- 12.6 The current deadlines are very onerous both for participants and the Governance

Team in preparing for meetings. It is recommended that the stricter, more realistic virtual meeting deadlines should apply to all meetings. The Table below shows the recommended changes for Council and Committee meetings. The consequential changes are shown in red text in Annex 4.

Issue	Current PR Timeline	Proposed
Public Questions	PR28 (4) -No later than 4.30pm on the second working day before the meeting e.g., Thursday 4.30pm for a meeting the following Monday	No later than midday on the third working day before the meeting e.g., Wednesday 12:00 for a meeting the following Monday.
Member Written Questions	PR30 - No later than 4.30pm on the second working day before the meeting	No later than midday on the third working day before the meeting e.g., Wednesday 12:00 for a meeting the following Monday.
Notice of Motion	PR34 - No later than 4.30pm on the seventh working day before the meeting e.g., for a meeting on Monday, by 4.30pm on the second preceding Thursday	No later than midday on the tenth working day before the meeting, e.g., for a meeting on Monday, by 12.00 on the second preceding Monday
Deputations – request to make Deputation	PR28 (2) No later than 12pm on the day of the meeting	No later than midday on the third working day before the meeting e.g., Wednesday 12:00 for a meeting the following Monday.
Deputations – submission of text of deputation	PR28 (2) No later than one hour before the meeting	No later than midday on the day of the meeting.
Petitions	PR28 (2) By no later than 4.30 pm on the second working day before that meeting (e.g., for a meeting on a Monday, by 4.30 pm on the preceding Thursday).	No later than midday on the tenth working day before the meeting, e.g., for a meeting on Monday, by 12.00 on the second preceding Monday

### **Committee Procedure Rules (Procedure Rules (PR) 70-129)**

- 12.7 PR85 – It is recommended that Committees do not have power to establish sub-committees to avoid proliferation of meetings. The new Strategic Overview and Scrutiny Committee will have power to establish Task and Finish groups, Working groups and Single-issue panels. As these bodies will not have decision making powers; membership will not have to be politically balanced.

### **Cabinet Procedure Rules (PR 130-189)**

- 12.8 Rule 164 which requires cabinet meetings to finish before 12.30pm has been revised.

### **12.9 Overview and Scrutiny Committee Procedure Rules (Rules 190-230)**

- 12.10 The Scrutiny Committee Rules have been strengthened to set out comprehensive terms of reference including details of the Task and Finish groups, Working Groups and Single-Issue panels the new Committee can establish to deliver its Work Programme. The new terms of reference also include details of the statutory Councillor Call for Action. This is a mechanism for enabling elected members to bring matters of ward concern to the attention of the Council, via the Scrutiny process.

### **Access to Information Rules (Rules 230-269)**

- 12.11 The Access to Information Procedure Rules set out the procedure required to be followed when taking key decision. There is no definition of key decision in the rules apart from a reference back to Article 12. The definition has been added in full in these Rules.
- 12.12 The Access to Information Rules have been updated to refer to the public's rights to film, record, and photograph committee meetings.

### **Budget and Policy Framework Procedure Rules (Rules 270-276)**

- 12.13 No change is recommended to these Rules.

### **Officers Employment Procedure Rules (Rules 340-359)**

- 12.14 No change is recommended to these Rules.

### **Members Procedure Rules (Rules 360-389)**

- 12.15 These cover the process to be followed if a member wishes to have access to land and buildings in the occupation of the Council as well as rules on use of public funds and trade union negotiations. There is no requirement for these to be part of the Constitution. They have been included in the new Member Code of Conduct.

### **12.16 Virtual Meetings Procedure Rules**

- 12.17 It is recommended that these remain as part of the Council Procedure Rules as some council committee meetings will be held virtually where the law allows this, and it is practicable to meet virtually.

## **13 PART 5 - CODES AND PROTOCOLS**

- 13.1 It is recommended that the revised Public Speaking Scheme for Planning and Licensing Committee at Annex 6 be added to Part 5 of the Constitution to clarify the rules on interests and public speaking for ward members.
- 13.2 It is suggested that the Council agree to remove the following Parts which are out of date from the Constitution and republish them updated as appropriate on the website where they can be more easily seen and kept up to date:
- 13.2.1 Part 5 Counter Fraud Strategy and Action Plan 2013
  - 13.2.2 Part 5 Monitoring officer Protocol
  - 13.2.3 Part 5 Scrutiny Function Protocol
  - 13.2.4 Part 5 School Governor Protocol
  - 13.2.5 Part 5 Petition Guidance

### **The Members' Code of Conduct**

- 13.3 The LGA have recently published a new Member Code which has been considered by the Conduct Committee and was adopted by Council on the 11 April 2022. It will be substituted in the new Constitution for the current version.

### **The Employee Code of Conduct**

- 13.4 No changes are recommended at this time.

### **Whistleblowing Policy**

- 13.5 No changes are recommended at this time.

### **Protocol on Officer-Member Relations**

- 13.6 No changes are recommended at this time.

### **Members Planning Code of Good Practice.**

- 13.7 No changes are recommended at this time.

### **Petition Guidance**

- 13.8 It is recommended that a new Public Guide to the Council be published setting out the various ways in which the public can participate in council business including Petitions, Deputations, Public Questions and giving evidence to the Overview and Scrutiny Committee.

## **14 CONSULTATION**

- 14.1 The cross-party Constitution Review Working Group (CRWG) have led this comprehensive review of the Constitution. All the changes proposed have been the subject of detailed consideration and debate at the working group meetings. The Group met on the 10 November, 12 January, 9 February, 2 and 23 March and 23 April to conduct the Review. Individual members made detailed comments as the review progressed.

- 14.2 The CRWG agreed to commission an all-member survey to alert councillors to the review and to seek ideas for improvement. A short online Survey was prepared and sent to all Members on the 18th of November 2021. Members were asked to complete the survey by the 6th of December 2021. Eighteen of the current 26 councillors (69%) agreed to participate in the Survey and the results are summarised in section 6 of this Report.
- 14.3 An all-member seminar was held on the 4 April to update members on the work of the review, the new member Code of Conduct and to engage in a question-and-answer session on the proposed changes.

## **15 ALTERNATIVE OPTIONS**

- 15.1 None identified as the Council has a legal obligation to keep the Constitution up to date and legally compliant.

## **16 FINANCIAL IMPLICATIONS (MANDATORY)**

- 16.1 There will be an immediate saving in two special responsibility allowances for Scrutiny Chairmen of £14,832 per year. Part of these savings can be used to invest in member development and training to support the new overview and scrutiny function.
- 16.2 Moving from 18 scheduled scrutiny committee meetings to 11 will result in some savings in administrative and clerking support. These are unquantifiable at this early stage.

## **17 LEGAL AND GOVERNANCE CONSIDERATIONS**

- 17.1 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:
- 17.1.1 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.
- 17.1.2 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.
- 17.1.3 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.

## **18 DATA PROTECTION IMPLICATIONS**

- 18.1 A Data Protection Impact Assessments (DPIA) has not been completed because there are no identifiable risks/issues to the rights and freedoms of natural persons.

## **19 EQUALITY IMPACT ASSESSMENT**

- 19.1 An Equality Impact Assessment (EqIA) has not been completed as it is not in scope

for the Constitution Review. The Review supports the effective functioning of the Council, which increases the potential for positive impacts on equality because of the Council's activities.

## **20 COMMUNITY SAFETY IMPLICATIONS**

20.1 None identified.

## **21 HEALTH AND WELLBEING IMPLICATIONS (MANDATORY)**

21.1 None identified.

## **22 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

22.1 An up to date and robust Constitution can make a real difference to the operation and governance of a council. The process of updating the Constitution ensures legal compliance and builds trust between officers and members. It also provides an opportunity for open cross-party debate about the fundamental issues of how the Council operates. It is planned to hold regular briefing sessions on the Constitution as a key part of Member Induction and Development each year.

## **23 BACKGROUND PAPERS**

23.1 Review of Overview and Scrutiny at Rutland County Council – CRWG Report 23 March 2022 and Council Report 11 April 2022

23.2 Health and Wellbeing Report 5 April – New terms of Reference

23.3 Public Speaking Scheme for Planning Applications -CRWG Report 23 March 2022

23.4 Part 5 Codes and Protocols - CRWG Report 23 March 2022

23.5 Rutland Council Constitution Review Member Survey 2021/22 12 January 2022

23.6 Constitution Review Working Group Agenda Pack 9 February 2022

23.7 Constitution Review Working Group Agenda Pack 10 November 2021

23.8 Constitution Review Working Group Agenda Pack 12 January 2022

23.9 Constitution Review Working Group Agenda Packs 2 March

23.10 Constitution Review Working Group Agenda Pack 23 March 1

23.11 Constitution Review Working Group Agenda Pack 12 April 2022

23.12 Rutland Constitution

## **24 APPENDICES**

24.1 Appendix 1 – revised Contents and Part 1 Constitution

24.2 Appendix 2 – revised Part 2 Constitution

- 24.3 Appendix 3 – revised Part 3 Constitution
- 24.4 Appendix 4 – revised Part 4 Constitution
- 24.5 Appendix 5 – revised Health and Wellbeing board terms of reference
- 24.6 Appendix 6 - Public Speaking at Planning and Licensing Committee

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