

# FAREHAM

## BOROUGH COUNCIL

### **Report to Audit and Governance Committee**

**Date:** 26 November 2018

**Report of:** Monitoring Officer

**Subject:** CONSTITUTION UPDATES ANNUAL REPORT

#### **SUMMARY**

This report sets out the annual review the Council's Constitution. The last report was submitted to this Committee on the 12 March 2018. Ongoing work to improve and revamp the document and the associated webpages is continuing. This report seeks to highlight the changes to the Constitution which have been made over the past twelve months.

Similarly, following a Vanguard review and subsequent change to the Council's Committee structure there have been a number of necessary amendments to the Constitution to create the new Scrutiny Panels. These changes are also noted within the report.

#### **RECOMMENDATION**

It is recommended that the Committee notes the updates to the Constitution, since the 12 March 2018, as set out in Appendix A and B to this report.

## **INTRODUCTION**

1. This report now forms part of the annual Audit and Governance Committee's programme of work following approval from this Committee in March 2018, for a report to be brought, the purpose of which captures all changes and ongoing work on the Constitution.
2. The Council's Constitution is under constant review and there are regular amendments required to keep it up to date.
3. The Monitoring Officer is responsible for monitoring and reviewing the Constitution to ensure that its aims and principles are given full effect.

## **BACKGROUND TO THE CONSTITUTION**

4. The Council has to, by law, prepare and keep up to date a Constitution document and it is a function of the Audit and Governance Committee, under the Council's Corporate Governance arrangement to review this process.
5. The purpose of the Constitution is to set out how the Council works, how its decisions are taken and what procedures will be followed to make sure that the Council is efficient, transparent and accountable to members of the public.

## **CHANGES TO THE CONSTITUTION**

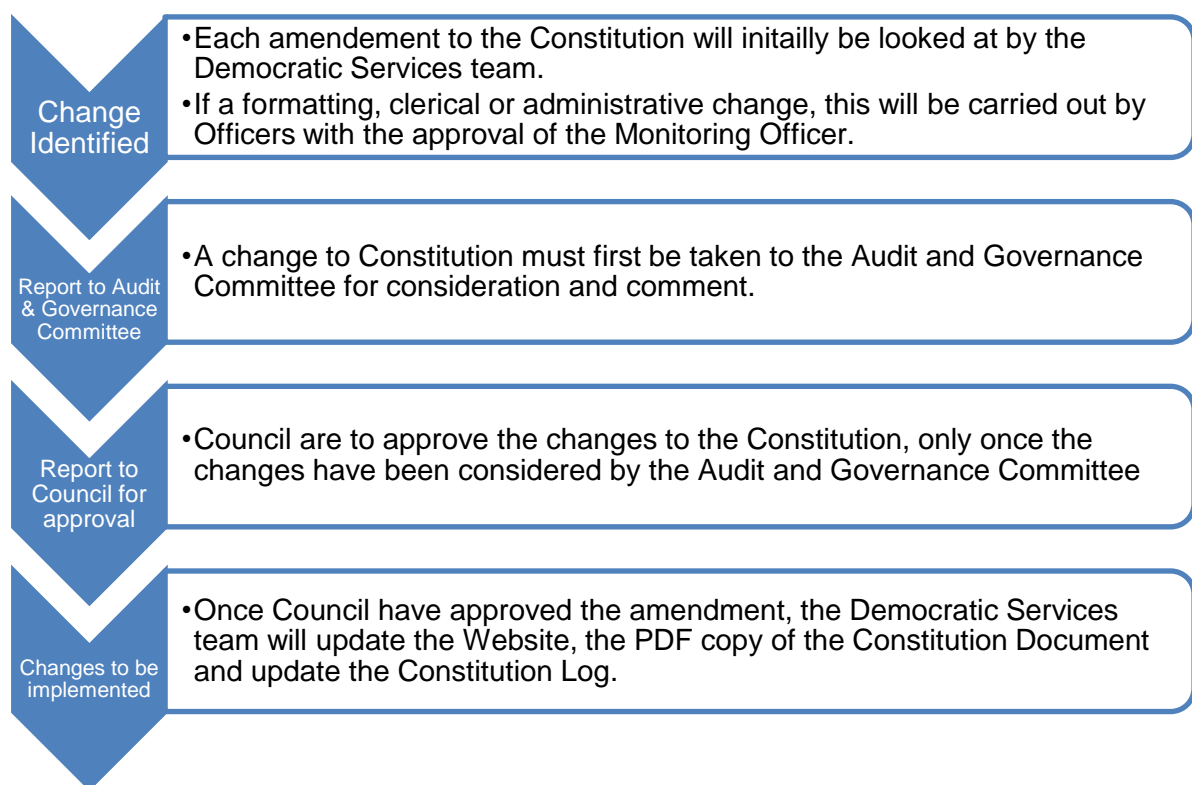
6. Changes to this Constitution may be made at any time, arising from a review by the Monitoring Officer or recommendation to Council and will only be approved by Council once considered by the Audit and Governance Committee. All such changes will comply with the provisions of the Local Government Act 2000 and other relevant statutory provisions.
7. The Monitoring Officer has delegated authority to update the Constitution arising from decisions of the Council, Executive or where legislation requires a change in wording, terminology or reference.
8. Following the Council's decision on the 11 October 2018 to change the Council's Committee structure a number of changes are required to the Constitution document, these include: -
  - i. 5 sections requiring changes to procedures and functions; these are attached in Appendix B to this report;
  - ii. over 30 sections of the Constitution requiring minor amendments to wording to reflect the name changes of the new Scrutiny Panels. Attached in Appendix B to this report is a list of all the sections changed; and
  - iii. several of the 'stand-alone' documents including the Council's Standing Orders with Respect to Meetings, the Scheme of Members Allowances and the Financial Regulations need various changes to give effect to the approved Committee changes.
9. Alongside the changes associated with the amendments above, work has continued to review the Constitution document and the associated webpages to help improve user experience. The Democratic Services team have been working closely with the Web

and Social Media Officer to assist with this piece of work. Since the new webpages were published earlier this year lots of positive feedback has been received.

10. Many sections of the Constitution are bound by legislation requiring legal assistance to ensure accuracy. Regular meetings are held with the Legal team to support the ongoing review work.

11. The Constitution log is a spreadsheet holding details of all sections of the Constitution. The log is maintained regularly ensuring that a record of all changes is kept up to date and Officers can use this spreadsheet as a reference for which parts need updating and when they were last changed or reviewed. An extract of the Constitution log is attached at Appendix C to this report.

12. The table below outlines the process for making changes to the Constitution –



## RISK ASSESSMENT

13. There are no significant risk considerations in relation to this report.

## CONCLUSION

It is recommended that the Committee notes the updates to the Constitution, since the 12 March 2018, as set out in Appendix A and B to this report.

## Appendices - Appendix A - Changes to the Constitution since 12 March 2018

**Appendix B – Amendments Following Changes to Committee Structure**  
**Appendix C – Constitution Log**

**Background Papers:** None

**Reference Papers:** The Council's Constitution

**Enquiries:**

For further information on this report please contact Leigh Usher. (Ext 4590)