

# FAREHAM

## BOROUGH COUNCIL

### Report to Audit and Governance Committee

**Date:** 11 March 2019  
**Report of:** Monitoring Officer  
**Subject:** CONSTITUTION UPDATES

#### SUMMARY

As part of the ongoing work to review and maintain an up to date Constitution Officers have been working closely with the Southampton Legal team to identify areas of the Constitution document that need updating. As part of this work two sections of the Constitution have been identified as requiring updates and are outlined in Appendix A and B of this report for the Committees approval.

*The Audit and Governance Committee's areas of responsibility for Corporate Governance are to review and make recommendations to Council on the Constitution, except where its role is purely to give effect to areas of responsibility relating to Executive Arrangement which are the sole responsibility of the Leader to determine.*

#### RECOMMENDATION

It is recommended that the Committee: -

- (a) agree the updates to the Constitution as set out in Appendix A and B to the report; and
- (b) recommends the updates to Council for approval.

## **INTRODUCTION**

1. The Council's Constitution is under constant review and with the help of the Constitution log, which is a spreadsheet created to keep a record of all sections of the document, Officers have been able to identify sections that are either out of date or in need of reviewing. The Democratic Service Team, with the help of the Legal Team have identified two sections of the Constitution that are in need of updating. These sections are: -
  - Part Three – Chapter 1 – Access to information procedure rules
  - Part Three – Chapter 3 – Notice of Key Decisions and Key Decisions

The updates identified are shown in Appendix A and B to this report.

## **BACKGROUND**

2. In March 2018 the Audit and Governance Committee were informed of ongoing work to update and review the Council's Constitution. The first phase of this work was to revamp the Constitution webpages. This work is now complete.
3. The next phase of work is to look at each section of the Constitution in more detail and ensure that the document is up to date and in line with current legislation. This is to be achieved by the Democratic Services Team holding regular meetings with the Southampton Legal Team.
4. There were various legislation changes between 2011 and 2015, by which the localism act governing the rules within the Council's Constitution has been changed. Not all of these changes have been captured within the Constitution document. The aim of these meetings is to read through each section of the Constitution and capture the updates required. Therefore, the close working with the legal team is paramount.

## **UPDATES IDENTIFIED**

5. Officers used the Constitution log to identify Part Three of the Constitution to be the first section to be looked at in more detail. This section was chosen as a priority with the work as it contains the rules about the way in which the Council must operate and make decisions and specifies how and when information will be made available to the public.
6. Part Three is made of 12 Chapters so the intension is for Officers to work through each chapter in turn. Chapter 1 – Access to information procedure rules was discussed at length and some updates were identified. These are set out in Appendix A to this report.
7. Through discussions, namely around Part Three, Chapter 1, paragraph 1.16, Officers identified that Chapter 3 – Notice of Key Decisions and Key Decisions also needed updating, which is why both of these sections have been brought together to the Audit and Governance Committee for approval.

## **NEXT STEPS**

8. The Audit and Governance Committee are required to agree the updates to both sections of the Constitution as outlined in Appendix A and B to this report.

9. Council will then be asked to approve the updates, before Officers can make any changes to the Constitution document. The website and master documents will be updated along with the Constitution log to ensure a record of all updates is maintained.

### **RISK ASSESSMENT**

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

### **CONCLUSION**

11. It is recommended that the Committee: -
  - a) agree the updates to the Constitution as set out in Appendix A and B to the report; and
  - b) recommends the updates to Council for approval.

**Background Papers:** None

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

Audit and Governance Committee – Minutes - 12 March 2018

**Appendices – Appendix A** - Part Three – Chapter 1 – Access to Information  
Procedure Rules

**Appendix B** - Part Three – Chapter 3 – Notice of Key Decisions and  
Key Decisions

### **Enquiries:**

For further information on this report please contact Leigh Usher. (Ext: 4553)