

FAREHAM

BOROUGH COUNCIL

Report to Audit and Governance Committee

Date: 23 November 2020
Report of: Monitoring Officer
Subject: ANNUAL CONSTITUTION REVIEW

SUMMARY

This report sets out the annual review of the Council's Constitution. The report highlights the amendments required to the Council's Constitution that have taken place through the Council's decision making process.

Appendix A to this report sets out all the amendments that have been made to the Constitution since this report was last brought the Audit and Governance Committee on the 25 November 2019.

*The Audit and Governance Committee's areas of responsibility for reviewing the Constitution are: -
The Audit and Governance Committee is responsible for reviewing and making recommendations to Council on its Constitution including Financial Regulations and Procurement and Contract Rules.*

RECOMMENDATION

It is RECOMMENDED that the Committee notes the contents of the report.

INTRODUCTION

1. The purpose of this report is to capture all the work over the last 12 months to keep the Constitution document up to date and fit for purpose, as well as documenting all the changes made as part of the Council's decision-making process.
2. Appendix A to this report lists all decisions made by Council that have subsequently resulted in changes to the Council's Constitution.

BACKGROUND

3. In 2017 Democratic Services Offices undertook a piece of work to update the Council's Constitution. This included reviewing the entire document to identify sections that required updating and revising to ensure it remains fit for purpose and relevant. This is still on going and will remain a regular piece of work for the Democratic Services Team.

CORONAVIRUS IMPACT

4. As with the majority of Council services, the Coronavirus pandemic has impacted on both the Constitution itself and the work carried out to review it. On the 19 March 2020 all work to review the Constitution was suspended to allow Officers within Democratic Services to focus resources in order to roll out virtual Committee meetings.
5. The Coronavirus Act 2020 allowed delegation to the Chief Executive Officers to suspend the Constitution to allow the delivery of Council functions whilst adhering to the Governments guidelines.
6. The only section of the Constitution that has been temporarily amended is the Deputation Scheme for Planning Committee. The planning system has continued throughout the pandemic nationally, following advice received from the Chief Planning Officer at the Ministry of Housing, Communities and Local Government in March. The decision was made to temporarily amend this section to allow this important part of the planning process to continue. This will be kept under review and has been included in Appendix A for transparency.
7. The intention was that at least one section of the Constitution would be reviewed and updated every year, but unfortunately this year, due to the coronavirus pandemic a review of this kind has not been possible. In table 1 below there is a list of the work that remains ongoing. It is hoped these sections will be reviewed over the coming year and brought to this Committee at next year's annual review of the Constitution in November 2021.
8. Officers reported last year that work was underway to create links and shortcuts to allow users to move through the document with ease. Although some progress has been made, there is still some work to do in order to complete this.

CHANGES TO THE CONSTIUTION

9. 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.
10. Minor formatting, clerical or administrative changes are carried out by Democratic Services Officers with the approval of the Monitoring Officer. These types of changes

are rare, examples include; spelling mistakes, errors with paragraph numbering and grammatical errors.

11. Members are required to note that the changes in Appendix A have been made in accordance with the decision-making process. Democratic Services Officers make these changes as required and the Constitution log is updated accordingly.

THE NEXT TWELVE MONTHS

12. During the next twelve months work will continue to maintain the Constitution document and the associated webpages. Sections of the document for review will be identified by the Head of Democratic Services and agreed by the Monitoring Officer with any identified amendments being brought to the Audit and Governance Committee in autumn 2021.
13. The table below lists the areas that have been identified by the Head of Democratic Services as requiring review and details the progress made –

Table 1			
Section of the Constitution	Topic	Details	Progress
Various	Budget Approval Process	Clarity is required on the wording within the Constitution to provide transparency for the approval process for the Council's budget.	The sections that need reviewing have been identified. The next stage will be to meet with the Finance and Legal teams.
Various	Urgent Decisions	A change to the wording within the Constitution in order to provide clarity on the definition to identify an urgent decision and the process thereafter.	The Sections have been identified which require review and a change in wording has been drafted for some of these sections.
Part 4 – Standing Orders with Respect to Meetings	Petition Scheme	A paragraph is to be added to clarify that Council cannot ask the Executive to override a decision following the submission of a petition.	The paragraph has been drafted by officers.

14. All of the items listed above in table 1 will be carried out in consultation with both the Monitoring Officer and the Legal partnership team.

CONCLUSION

15. It is RECOMMENDED that the Committee notes the contents of the report.

Appendices: - Appendix A - Decisions made since November 2018 which have required amendments to be made to the Council's Constitution.

Background Papers: NONE

Reference Papers: The Constitution

Enquiries:

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