

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 2 December 2013

Portfolio:	Policy and Resources
Subject:	Updates to the Constitution
Report of:	Director of Regulatory and Democratic Services
Strategy/Policy:	
Corporate Objective:	Dynamic, Prudent and Progressive Council

Purpose:

This report proposes changes to Standing Orders with Respect to Meetings contained in Part Four of the Constitution, following a review undertaken by the Head of Democratic Services, in consultation with the Monitoring Officer and the Solicitor to the Council.

Executive summary:

The Head of Democratic Services is undertaking a review of the Council's Constitution. The first section to be considered for update is the Standing Orders with Respect to Meetings, as it has an effect on all of the Council's committee and panel meetings.

The following key changes have been incorporated into the revised document:

- (a) all references to the Standards Committee have been removed and the Standing Orders updated to reflect the new standards arrangements;
- (b) additional and amended wording is highlighted in bold text and underlined (for ease of reference);
- (c) where applicable, cross-references to other parts of the Council's Constitution have been entered;
- (d) spelling, typing and formatting errors have been corrected;
- (e) wording amended throughout to ensure the use of plain English; and
- (f) inclusion of a section on the recording of meetings by the media.

Recommendation:

The Executive is asked to:

- (a) consider whether future changes to Standing Orders should be considered by the Audit and Governance Committee, as outlined in paragraph 9 of the report; and
- (b) consider the updated Standing Orders with Respect to Meetings, as set out in Appendix A to the report and recommend any comments or further amendments for consideration by Council.

Reason:

To ensure that the Constitution is up to date and accurately reflects the legislative requirements of the Council and its governance arrangements.

Cost of proposals:

There are no additional costs associated with this item.

Appendices: **A:** Revised Standing Orders with Respect to Meetings

Background papers: None

FAREHAM

BOROUGH COUNCIL

Executive Briefing Paper

Date: 2 December 2013

Subject: Updates to the Constitution

Briefing by: Director of Regulatory and Democratic Services

Portfolio: Policy and Resources

INTRODUCTION

1. The Head of Democratic Services has undertaken a review of the Council's Standing Orders with Respect to Meetings and is now consulting the Executive on the suggested updates before making its final recommendations to Council.
2. The Council may then make changes to the Constitution and the Standing Orders with Respect to Meetings after consultation with the Scrutiny Board and the Executive as per Standing Order 62.1 – Variations and Revocations of Standing Orders.
3. The views of the Audit and Governance Committee have also been sought at its meeting of 25 November 2013, as part of a wider consultation and in light of the committee's general governance functions. Any suggested amendments will be referred to the Executive for consideration when this matter is discussed.

BACKGROUND

4. Following the implementation work after the enactment of the Localism Act 2011, the Head of Democratic Services is undertaking a review of the Council's Constitution and will be recommending updates for each chapter and section of the Constitution which has been affected by recent legislative changes. The first section to be considered for update is the Standing Orders with Respect to Meetings, as it has an effect on all of the Council's committee and panel meetings.
5. The current Standing Orders with Respect to Meetings were adopted in April 2007 and have subsequently been amended on four separate occasions (December 2008, April 2009, May 2010 and August 2011).

PROPOSAL

6. This review provides an opportunity for the Standing Orders to be updated in full and a copy of the proposed updated document is attached at Appendix A.

7. The following key changes have been incorporated into the document:
 - a) all references to the Standards Committee have been removed;
 - b) additional and amended wording is highlighted in bold text and underlined (for ease of reference);
 - c) where applicable, cross-references to other parts of the Council's Constitution have been entered;
 - d) spelling, typing and formatting errors have been corrected;
 - e) wording amended throughout to ensure the use of plain English; and
 - f) inclusion of a section on the recording of meetings by the media.

OPTIONS

8. The Executive is asked to consider the updated Standing Orders with Respect to Meetings, as set out in Appendix A and recommend any comments or further amendments for consideration by Council.
9. The views of the Executive are also sought on a change to Standing Order 62 – Variations and Revocations of Standing Orders. Officers consider that it would be more appropriate and less bureaucratic for future amendments to become part of the function and Terms of Reference of the Audit and Governance Committee. This would help to clarify and support changes to the Constitution which require Parts One to Three to be considered by the Executive, in consultation with the Scrutiny Board. Parts Four to Eight would then be under the function of the Audit & Governance Committee.

RISK ASSESSMENT

10. There is a risk to the Council that not having Standing Orders with Respect to Meetings which are robust and up to date could damage its reputation for good governance and undermine public confidence in the Council as a whole.

FINANCIAL IMPLICATIONS

11. There are no costs associated with this report.

CONSULTATIONS

12. The Solicitor to the Council and the Monitoring Officer have reviewed and contributed to the proposed changes.
13. The Audit and Governance Committee considered this matter at their meeting on 21 November 2013 as part of a wider consultation and any suggested amendments will be referred to the Executive for consideration when this matter is discussed.

CONCLUSION

14. The recommendations of the Scrutiny Board who considered this matter at their meeting on 21 November 2013 together with those of the Audit and Governance Committee will be reported to the Executive for consideration when this matter is discussed.

Reference Papers: Fareham Borough Council Constitution