

# FAREHAM

## BOROUGH COUNCIL

### Report to Council

**Date**                    **12 December 2013**

**Report of:**           **Director of Regulatory and Democratic Services**

**Subject:**             **UPDATES TO THE CONSTITUTION**

#### **SUMMARY**

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

#### **RECOMMENDATION**

That Council considers the amendments to the Standing Orders with Respect to Meetings and adopts the revised version, attached at Appendix A to the report.

## **INTRODUCTION**

1. The Head of Democratic Services has undertaken a review of the Council's Standing Orders with Respect to Meetings and has consulted the Scrutiny Board at its meeting on 21 November 2013 and the Executive at its meeting on 2 December 2013 on the suggested updates before making final recommendations to Council.
2. The Council may 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.

## **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.

8. The views of the Executive were sought at its meeting on 2 December 2013 regarding 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 of the Standing Orders with Respect to Meetings 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.
9. The Executive agreed to the change and the wording of Standing Order 62.1 has been amended to reflect this (see Appendix A).

### **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.

### **CONCLUSION**

11. The recommended amendments of the Scrutiny Board, the Executive and the Audit and Governance Committee have been incorporated in to the revised Standing Orders with Respect to Meetings document at Appendix A which is submitted to Council for adoption.

**Reference Papers:** Fareham Borough Council Constitution.

### **Enquiries:**

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