

WELWYN HATFIELD BOROUGH COUNCIL  
REPORT OF THE MONITORING OFFICER  
COUNCIL - 25 MARCH 2019

REVIEW OF THE COUNCIL'S CONSTITUTION

Executive Summary

- 1 This report was considered by Council on the 25 February 2019 and deferred to enable further representations on the report to be made by Members to the Constitution Review Group (CRG).
  - 2 Members of CRG considered the further representations made and have agreed that some matters raised will require further consideration at a future meeting of CRG and that they will not be included in this report.
  - 3 However, there are some proposed changes from the previous report that CRG consider can be recommended for approval by Council at this meeting.
  - 4 For clarification, Appendix 1 to this report is headed 'Part 4: Rules of Procedure' to reflect the current pagination in the existing Constitution. The first page is a contents page only.
  - 5 However, only a part of those rules have been currently considered by CRG, which are Sections 1 and 2. These are the only rules before Council for approval at this meeting.
  - 6 Sections 3, 4 and 5 have yet to be considered by CRG.
  - 7 Should Council approve the amended rules for Sections 1 and 2, there will then be a need to make consequential changes to the entire document.
  - 8 The officers' recommendations, as set out in Appendix 2 to this report, have also been recommended by CRG for approval.
  - 9 It is important to note that the Constitution is a living document and continuous review is required to keep it up to date and fit for purpose. The duty to do so is an ongoing one and this work will continue through the CRG work programme.
- 10 Recommendation(s)**
- 10.1 That Council approves 'Section 1 of Part 4: Rules of Procedure', at set out in Appendix 1 of this report.
  - 10.2 That Council approves 'Section 2 of Part 4: Rules of Procedure', as set out in Appendix 1 of this report.
  - 10.3 That Council approves Appendix 2 of this report.

- 10.4 That Council agrees any consequential amendments required to the Constitution, arising from approving the proposed changes as set out in Appendix 1 and 2 of this report.

## **Implications**

### **11 Financial Implication(s)**

- 11.1 No direct financial implications although there has and continues to be a substantial call on officer(s) time to service the CRG, draft, re-draft and produce any major re-writes to the procedures within the Constitution.

### **12 Link to Corporate Priorities**

- 12.1 A modernised and updated Constitution will support the corporate priorities under 'Our Council' to ensure 'Value for Money' and putting the 'Customer First'.

### **13 Legal Implication(s)**

- 13.1 Section 9P of the Local Government Act 2000 (as amended) requires a local authority to prepare and keep up to date a Constitution.
- 13.2 There is also Government Guidance 'DETR New Council Constitutions Local Government Act 2000 Guidance to English Local Authorities'
- 13.3 A Constitution Direction was issued by the Secretary of State, 'DETR Local Government Act 2000 (Constitutions) (England) Direction 2000', requiring around 80 matters to be included within council Constitutions. These are prescribed matters that must be included in a local authority's Constitution.
- 13.4 These documents should be read in the context of superceding legislation including the Local Government and Public Involvement in Health Act 2007 and Localism Act 2011.

### **14 Risk Management Implications**

- 14.1 The risks related to this proposal are:
- 14.1.1 **Risk:** Reputational- proposed changes may not meet everyone's requirements resulting in possible adverse publicity **Assessment:** Low **Mitigating Actions:** Modernisation of these rules will make it more accessible and user friendly, to widen the user audience and engagement.

### **15 Explanation**

- 15.1 The proposed amendments seek to meet the objectives agreed by CRG as follows:
- the current language used in the document is archaic and needs modernisation.
  - over time, rules have been amended that appeared to contradict other rules.
  - correct numbering, punctuation and presentational errors.

- allow electronic access to the Constitution as easily as possible for example, hyperlinking relevant chapters to encourage fast and easy access to chapters and rules.

15.2 All Members have now been provided with a briefing on the key change made to Appendix 1 of this report.

15.3 The work of CRG is ongoing and the group will continue to review the remainder of the Constitution in the order of priority it has agreed upon. As the review is very detailed, time constraints will not allow CRG to finalise its recommendations to Council before the municipal year end.

15.4 It will be recommended to Annual Council that the CRG is re-appointed to continue with the detailed work that has been started.

## **16 Equality and Diversity**

16.1 I confirm that an Equality Impact Assessment (EIA) has not been carried out in connection with the proposals that are set out in this report as it is not currently required.

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Background papers to be listed (if applicable):

Appendix 1- 'Sections 1 and 2 of Part 4: Rules of Procedure'

Appendix 2- Officers' recommendations for operational changes.