



## Committee report

Committee	<b>FULL COUNCIL</b>
Date	<b>15 MARCH 2017</b>
Title	<b>SUGGESTED REVISIONS TO THE CONSTITUTION</b>
Report of	<b>CONSTITUTION WORKING PARTY</b>

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### EXECUTIVE SUMMARY

1. To consider a number of revisions to the constitution (appendix 1), as recommended by the Constitution Working Party, along with a number of more significant issues which the working party have identified should be considered by the new administration after the elections (appendix 2).

### BACKGROUND

2. At its meeting on 25 May 2016 Full Council agreed the following:

“THAT a group of members (to be nominated by the various groups) work with the strategic manager for organisational change and corporate governance to review the constitution in its totality over the next ten months and report back to the March 2017 meeting of the council on a suggested revised constitution.”
3. The group (called the Constitution Working Party referred to in this report as the working party) has met on six occasions since August 2016, and initially comprised councillors Bacon, Stewart, Barry, Lumley, Blezzard and Pitcher. Councillor Blezzard chose not to continue after the September meeting.
4. Working with the strategic manager for organisational change and corporate governance the working party went through the constitution on a line by line basis, except for those parts that were within the remit of other bodies/meetings.
5. The working party identified at an early stage that there were a number of matters that were really for the incoming administration to consider, so while these were identified (and are listed at appendix 2) the working party focused its time on suggesting revisions of a non-controversial, and primarily administrative, matter.

6. In addition to the work of the working party, internal audit undertook a review of our constitution compared to a number of other authorities and made a number of detailed suggestions that were taken on board by the working party.
7. The Corporate Management Team has also seen the work of the working party and has not made any subsequent suggested changes to the constitution as recommended, but has added a number of items to be considered by the new administration.
8. A large number of detailed recommendations were made and have been incorporated into the attached appendix 1. It is not possible to list all the amendments, particularly given that a number are related to typographical issues, but the essence of the changes, as reflected in appendix 1, are as follows:
  - (a) Revising Articles 1 to 10 to make them sharper (by reducing repetition) and to also standardise (as far as is possible) the articles relating to the Executive and other committees (but not Health and Wellbeing Board as this is currently under review).
  - (b) The previous two sets of procedure rules (also known as standing orders) have now been combined into one.
  - (c) Removed from the document those documents that had been previously listed as within the constitution but not part of it. These will still be available online but separated out from the formal part of the constitution and is in line with most other authorities do.
9. One of the significant points to be made from the work undertaken by the internal audit function is that our constitution is broadly similar (and in many places identical) to that of other authorities. This is not that surprising given that all local authority constitutions have their basis in the model constitution as developed by the government as part of the implementation of the Local Government Act 2000, which introduced the executive form of governance.

## STRATEGIC CONTEXT

10. Good governance arrangements are essential to the delivery of the council's services and the decision making process that supports this. A refreshed constitution that adjusts (and corrects) a number of administrative matters is an essential component of the governance arrangements.

## CONSULTATION

11. This has been an internal review of an internal document and hence no formal consultation is required.

## FINANCIAL / BUDGET IMPLICATIONS

12. There are no budget implications with these recommendations as they make no changes to how the council actually operates, or the resources needed to achieve these. Should the new administration wish to consider subsequent changes then if there are budgetary implications then these will need to be considered at that point.

## LEGAL IMPLICATIONS

13. The committee structure, appointments and scheme of delegations are all requirements specified within the council's constitution and the Local Government Act 2000 and subsequent legislation.

## EQUALITY AND DIVERSITY

14. The council as a public body is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Given that this is a paper that seeks no changes to the current arrangements and is more about tidying up the constitution no equality and diversity issues arise.

## OPTIONS

15. The options are:
  - (a) That council notes the work of the working party and makes no alterations to the current constitution.
  - (b) That council notes the work of the working party and adopts, with immediate effect, the revised constitution as attached at appendix 1 to this report.
  - (c) That council notes the list of issues (appendix 2) that are for the new administration to consider after the elections.

## RISK MANAGEMENT

16. Option (a) would mean that the suggestions from the working party would not be implemented and that the opportunity to tidy up and slightly simplify the constitution is lost.
17. Option (b) will ensure that this council has used its learning over the last four years to tidy up the constitution for future administrations. The proposed changes will make little (if any) difference to the day to day operation of the council but does capture the knowledge of members gained over the last four years.

18. Option (c) is just for noting and the list will be discussed with the new administration following the elections.

#### RECOMMENDATION

19. That options (b) and (c) be approved as follows:
- (b) That council notes the work of the working party and adopts, with immediate effect, the revised constitution as attached at appendix 1 to this report.
  - (c) That council notes the list of issues (appendix 2) that are for the new administration to consider after the elections.

#### APPENDICES ATTACHED

Appendix 1 – revised constitution as recommended by the Constitution Working Party.

Appendix 2 – list of issues for discussion with new administration after the election as identified by the Constitution Working Party and the Corporate Management Team

Contact Point: Chris Mathews, Strategic Manager for Organisational Change and Corporate Governance, ☎ 821000 e-mail [chris.mathews@iow.gov.uk](mailto:chris.mathews@iow.gov.uk)

CHRIS MATHEWS  
*Strategic Manager for  
Organisational Change and  
Corporate Governance*

CLLR JONATHAN BACON  
CLLR DAVE STEWART  
CLLR GEOFF LUMLEY  
CLLR REG BARRY  
CLLR DARYL PITCHER  
*Members of the Constitution Working Party*