

Updating the Constitution

Summary

- 1 This report advises members on progress towards a complete revision of the Constitution.

Background

- 2 The Council is required by law to have a Constitution. The current Constitution is based on a model produced when the Local Government Act 2000 came into force. Although it has been regularly updated since then it is now in need of a complete rewrite. Nationally many Councils are facing the same issue and two new model Constitutions have been prepared on behalf of the organisation now known as Lawyers in Local Government. While these models are very helpful they cannot simply be adopted without amendment. That is particularly the case where, as In York, there is a wish to review aspects of how the Council operates at the same time as bringing up to date the document which sets out those arrangements. The review is therefore a very substantial piece of work. Nevertheless substantial progress has been made.
- 3 A key aim of the review has been to make the Constitution more readily understood – acknowledging that it is a technical document which has to reflect the law and set out other rules which the Council has decided it ought to follow. The recently approved revised summary and explanation section for the Constitution goes a long way to meeting that aim.
- 4 The Constitution contains various rules which set out controls on how the business of the Council is conducted. On the agenda for this meeting the Committee is considering

revisions to the financial regulations. This is one of the most important parts of the control environment established by the Constitution.

- 5 On a similar theme a review of the contract procedure rules, which set out the arrangements which officers must follow when proposing to enter any contract, is nearing completion. The rules have been completely rewritten with a view to making them easier to follow while maintaining current levels of control. A draft of the new rules is currently being consulted upon internally so that any practical difficulties in applying them can be identified and addressed. The aim is that new rules can be brought through the decision making process for implementation in the Autumn.
- 6 The way that Council meetings operate has been a topic being discussed by Councillors for some time now. During the course of the last year webcasting of meetings has begun and this Committee has considered and approved the arrangements for that as well as for filming and photography at meetings by the public. These arrangements will be referenced in the new Constitution.
- 7 The issue of how full Council should operate has also been the subject of considerable ongoing discussion. This has led to the preparation of a new draft set of Council procedure rules. Group Leaders have been consulted on those rules and final feedback is expected shortly. The Committee can therefore expect to receive a report in relation to this matter later in the year. It is anticipated that these new rules will reflect the guidance given by the Committee this year in respect of public participation. It is also anticipated that new provision will be recommended for handling petitions which will necessitate looking again at the petitions scheme which this Committee recently reviewed.
- 8 In July last year the Committee considered a report on the Council's scrutiny arrangements. The Committee made a number of comments which have fed into ongoing discussions about scrutiny. At this stage no requirement for constitutional change has been identified but it has been recognised that the current committee structure no longer reflects the way the Council is organised in terms of Directorates or executive portfolios and that may be an issue which Members choose to address in due course.

Council Plan

- 9 The Constitution is an essential element of the Council's corporate governance framework. It supports all the Council's decision making and scrutiny processes and includes rules which establish a significant part of the Council's control environment. As such it has an important role in maintaining the Council as an effective organisation.

Implications

- 10 There are no implications to this report in relation to:
- **Finance**
 - **Human Resources (HR)**
 - **Equalities**
 - **Legal**
 - **Crime and Disorder**
 - **Information Technology (IT)**
 - **Property**

Recommendations

- 11 Members are asked to:

Note the progress made to prepare a revised Constitution

Reason

To allow the Audit and Governance Committee to monitor progress

Contact Details

**Author and Chief
Officer responsible for
the report:**

Andy Docherty
Assistant Director
Telephone: 01904
551004

**Report
Approved**

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Specialist Implications Officers

Not applicable

Wards Affected: Not applicable

All

For further information please contact the author of the report

Background Papers

None

Annexes

None