

Review of the Council's Constitution: Update

26 September 2018

Report of the Constitutional Working Group

PURPOSE OF REPORT

To seek Council's agreement to the policy and approach set out in appendix 1 to the report.

This report is public

RECOMMENDATIONS

- 1) That Council approves the approach to the review of the constitution as set out by Bevan Brittan and the policy proposals recommended by the Council's sub committee**
- 2) Approve Appendix 1 as key policy principles**
- 3) Approve the approach set out in the report of Bevan Brittan at Appendix 3**

1.0 Introduction

On 14 May 2018, full council created a Sub Committee to consider the full review of the constitution. There are a number of reasons articulated for the review which reflect the standpoints of Members and Officers. This policy overview attempts to balance the views at a policy level to allow the development of the detailed administrative policy moving forward.

The policy proposals set out in the paper will set the parameters for the detailed administrative policy. For example, if Council approves the policy concept of a digital friendly constitution, then the detailed administrative policy will reflect a bias to digital working, online and other technological solutions, paper reduction etc.

It is not possible to foresee all the detailed administrative impacts. Council must be prepared to accept that there will be different elements preferred by members and officers depending on their perspective. The development of the Constitution will require consensus and acceptance that it is unlikely to please all of the people all of the time.

2.0 Proposal

Appendix 1 deals with the policy considerations and gives some limited examples of how the policy may be reflected in the administrative side.

The subcommittee has considered some of the administrative policy impacts which often reflect member and officer comments. The detailed administrative policy will be developed based on the policy concepts agreed by Council. It is not possible to indicate the detail of the administrative policy until work commences on that part.

Additionally, the subcommittee has commenced consideration of some of the conventions that the chamber has adopted over time, and will in due course be proposing if these conventions should be incorporated into the constitution, abandoned entirely or recorded to aid mutual understanding of business.

3.0 Considerations

Council is asked to give careful consideration to the policy proposals as they will shape the new constitution, and administration of the authority. Council will be reassured that the Sub Committee will have oversight in accordance with attached timeline document Appendix 2 and any final decision will fall to full council.

The Sub Committee has already noted the contents of the Beven Brittan proposal and has agreed the structure outlined in the contents page. This is the spine, or skeleton, of the approach upon which the flesh of the administrative detail will be hung.

Each policy decision will have a myriad of consequential impacts at the detailed administrative stage, the decisions for a digital approach will impact not only on how members access council information but also the basic design and usability of documents. This may well set the agenda for future digital documents so that member interest forms are completed online and so on.

Policy decisions relating to the functioning of overview and scrutiny, how it is constituted, work stream and resources are likely to influence the approach for several years and Council is asked to have particular regard to Appendix 1 as the high level policy recommendations are the basis upon which officers will interpret all the later decisions.

The timeline document allows for the decision on the policy issues and then several months for the detailed administrative policy to be formulated before a return to full council.

Additionally work has continued to ensure the constitution remains functional following the senior management restructuring and it is now likely the interim constitution reflecting the new management structure will be available for full Council consideration in November.

It is also apparent that full Council has over time adopted conventions of its own. These conventions reflect custom and practice over some time. An attempt to capture the conventions has been made but the knowledge and detail will be added to by the subcommittee before final approval is sought.

4.0 Conclusion

Council is invited to

- agree the recommendations of the Constitutional Sub Committee;
- agree the policy issues in appendix 1; and
- note the initial areas of administrative policy development.

CONCLUSION OF IMPACT ASSESSMENT

(including Health and Safety, Equality and Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

The policy proposals as set out do not directly impact on issues of diversity. Equality, Human Rights, lawfulness are essential elements of the constitution, the draft when produced and final incarnations of will require a formal assessment for equality, human rights and lawfulness. For example, a decision to follow a digital path, opens many doors to improved accessibility of documents but equally must ensure those less familiar with technology are also supported.

FINANCIAL IMPLICATIONS

There will be a cost in officer time for the creation, and detailed administrative policy creation and the subsequent proofing and development of the constitution. This reflects a significant application of resource from departments through the development phase however it is expected that this will be met from within existing resources. The implications of this report will be to commence the second phase of constitutional review, incurring the remaining allocation of the budgeted expenditure on external support. (A growth amount of £20k was agreed by Council on 28th February, 2018 for Review of the Council Constitution, as part of the 2018/19 budget process).

LEGAL IMPLICATIONS

The constitution reflects the core values and governance of the organisation. The Constitution provides the boundaries between the different structure of governance, Council, Cabinet and Committees, and the distinction of officer and members functions. The Constitution further sets the engagement with citizens, their rights to engage in the process, transparency and democratic accountability.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no comments.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has drafted this report on behalf of the Sub-Committee.

BACKGROUND PAPERS

.

Contact Officer: Debbie Chambers
dchambers@lancaster.gov.uk
01524 582057