

# Harborough District Council



## Report to the Constitution Review Committee Meeting of 3 October 2024

<b>Title:</b>	Constitutional Update
<b>Status:</b>	Public
<b>Key Decision:</b>	Not Applicable
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<b>Portfolio Holder:</b>	Cllr Phil Knowles (Portfolio Holder for Strategy)
<b>Appendices:</b>	None

### Summary

- i. This report updates the Committee on work underway to ensure that the recently approved Constitution is fit for purpose.

### Recommendations

It is recommended that:

1. the Committee review the information provided in the report and comment as appropriate
2. the Committee notes that members will be invited to comment on the Constitution in general, and the findings of the independent review of the Constitution. In addition, should more detailed discussions be required, a meeting of the Task and Finish Group can be convened to report back to the January meeting of this Committee.

### Reasons for Recommendations

- ii. To provide Councillors with an update on the review of the new Constitution as agreed by Council at the meeting on 20 May 2024
- iii. To provide Councillors with the opportunity to comment on the operations of the new Constitution, noting that a Task and Finish group can be established to carry out more in depth work if required.

# 1. Purpose of Report

- 1.1 To update Councillors on the review of the new Constitution being undertaken by Bevan Brittan Solicitors, as agreed by Council on 20 May 2024.

# 2. Background

- 1.1. The Council's Constitution outlines the way in which the Council operates, including roles and responsibilities, delegation of powers, procedures to be followed, and Codes of Conduct. It supports the efficient, transparent, and legally compliant running of the Council and its decision making processes. All Councils are required by law to establish and maintain a Constitution.
- 1.2. At its meeting on 20 May 2024 Council adopted a new Constitution, produced through numerous Task and Finish Group meetings. This Constitution has been in operation since the date of its adoption.
- 1.3. As well as adopting the Constitution, Council also noted that the refreshed Constitution would be reviewed by an independent Legal Firm specialising in Local Authority Constitutions to ensure any best practice improvements are included. Bevan Brittan LLP have since been appointed to carry out this review.
- 1.4. This report provides an update on the work being carried out as part of the review.

# 3. Details

- 3.1 Following their appointment it has been agreed that Bevan Brittan LLP will review the following information in the Constitution to ensure it is legally compliant and in line with best Constitutional Practice:
  - a) Standards complaints procedure
  - b) Delegations
  - c) Overview and scrutiny
  - d) Officer / Member protocols
  - e) Access to information rules
  - f) Cabinet and Council Procedure rules
  - g) Roles and Responsibilities.

A general sense check will also be carried out to seek to secure that the Constitution works as a cohesive and usable document.
- 3.2 In addition, Section 6.1 of the Constitution: Statement of Required Practice for Procurement, will be reviewed and updated to support compliance with the forthcoming implementation of the Procurement Act. Further work will also be undertaken by the Council's Democratic Services team on the Council's petitions scheme to ensure it is operating in line with best practice.
- 3.3 The review will be carried out over the next few weeks and a full report will be brought to this Committee's January meeting. This is a slight delay on the intended timescale but has the advantage of enabling the new Monitoring Officer to be fully involved in the review.

- 3.4 It is noted that, should any additional work be required a Task and Finish group can be convened during November to review the report from Bevan Brittan LLP, the proposed changes to the Procurement section of the Constitution and any other potential changes to the Constitution suggested at that point. Members will be given the opportunity to comment on the Constitution and should more in depth work be required, a Task and Finish group can be arranged.
- 3.5 The Committee is asked to note the arrangements for the review and to feed back any observations on the operation of the Constitution since its adoption to input into the review as appropriate. It is also asked to convene a meeting of the Task and Finish Group.
- 3.6 It is important that the Constitution is properly understood and complied with by all Councillors and officers, therefore further consideration will be given to what actions, including training, can be taken to embed Constitutional principles and procedures into the operation of the Council. The report to the January meeting of this Committee will also cover how this is being addressed.

## **4. Implications of Decisions**

### **Corporate Priorities**

- 4.1 As the Constitution impacts on every aspect of the Council it will indirectly support the effective delivery of all Corporate Priorities.

### **Consultation**

- 4.2 In preparing this report, no statutory consultation has been required.

### **Financial**

- 4.3 The cost of the review being carried out by Bevan Brittan LLP will be met from existing Democratic Services budgets. There are no further direct financial impacts of the report.

### **Legal**

- 4.4 The requirement to establish and maintain a Constitution is incorporated within section 20 of the Local Government and Housing Act 1989 and supplemented by the Local Authorities (Standing Orders) (England) Regulations 2001 as amended. This report supports this requirement.

### **Environmental Implications**

- 4.5 The Council has declared a climate emergency. This report does not specifically address climate issues however regard has been had to minimising environmental impacts. Where possible electronic documents are to be utilised however when documents are required to be printed, the Council will do this double sided and in black and white. Members are invited to retain and re-use their printed copies as much as possible and recycle them when no longer required.

### **Risk Management**

- 4.6 The main risks in relation to this matter are failing to ensure that the Council has, and maintains, a fit for purpose Constitution.

### **Equalities Impact**

- 4.7 Not applicable.

## **Data Protection**

4.8 As this report contains no personal information, the principles set out in the Data Protection Act 2018 are not engaged.

## **5. Alternative Options Considered**

5.1 A review could have been carried out by Council Officers but having the review conducted by an independent expert brings benefits in terms of the objectivity and broad understanding of best practice elsewhere, as well as the legal expertise to incorporate the requirements of the Procurement Act. This approach was agreed by Council on 20 May 2024 and therefore the option to use in house resource was rejected.

5.2 Carrying out a review is not a legal requirement and therefore it could have been decided not to carry one out. This would not have been in line with the Council resolution and therefore this option was rejected.

## **6. Recommendation**

It is recommended that:

1. the Committee review the information provided in the report and comment as appropriate
2. the Committee notes that members will be invited to comment on the Constitution in general, and the findings of the independent review of the Constitution. In addition, should more detailed discussions be required, a meeting of the Task and Finish Group can be convened to report back to the January meeting of this Committee.

## **7. Background papers**

[The Constitution of Harborough District Council](#)

[Reports to and Minutes of the meeting of Council held on 20 May 2024](#)