

Harborough District Council

Report to Annual Council

Meeting of 20 May 2024



Title:	Review of the constitution
Status:	Public
Report Author:	Liz Elliott, Deputy Chief Executive l.elliott@harborough.gov.uk
Portfolio Holder	Councillor Paul Beadle
Appendices:	A. Refreshed Constitution

Summary

- i. As per the Constitution, Council delegates the responsibility of overseeing the maintenance and development of the Council's Constitution to the Constitutional Review Committee ("CRC").
- ii. The Constitutional Review Committee (CRC) had previously advised it was content to allow the Monitoring Officer to make all necessary changes to the Constitution, under delegated authority, to remove ambiguity and duplication, ensuring legal compliance and make the constitution fit for purpose.
- iii. This work has been completed through numerous Task and Finish Group meetings and the refreshed constitution is attached to this report.

Recommendations

That Council:

1. Approves the refreshed Constitution at Appendix A and adopts the document with immediate effect.
2. Notes that prior to the first meeting of the Constitutional Review Committee in the new municipal year, the refreshed Constitution will be reviewed to ensure any best practice improvements are included by an independent Legal Firm specialising in Local Authority Constitutions.

Reasons for Recommendations

- i. Full Council are required to approve the adoption of the new constitution.

1. Purpose of Report

- 1.1 To present the refreshed Constitution to Council for its adoption.

2. Background

- 2.1 The Constitution Review Committee (CRC) has met on the following dates in this municipal year to consider the process for the review of the Constitution; 29th June 2023 and 5th October 2023. A Task and Finish Group was created to allow for a more in-depth review of each part of the constitution and to ensure that members were involved fully in the process and aware of the proposed changes. The Task and Finish Group has met on the following dates; 8th January 2024, 30th January 2024, 27th February 2024, 18th March 2024 and 4th April 2024.
- 2.2 In addition to this the Scrutiny Commission has also met to discuss the future of the Overview and Scrutiny arrangements. They have been consulted on the changes to the constitution with regards to the changes suggested to the Overview and Scrutiny arrangements.

3. Details

- 3.1 The key stakeholders in any review of a Council's constitution are the Members as they are the individuals most impacted by the operation of the Constitution. The CRC has been involved fully in the refresh work undertaken and their comments have been included in the final version attached to this report. The Scrutiny Commission has also been involved in the work relating to the proposed new Overview and Scrutiny arrangements.
- 3.2 The Scrutiny Commission consider it appropriate, once the new constitution has been adopted, to form 2 scrutiny panels to be called "**Corporate and Performance**" and "**Services and Communities**". This has been included in the Political Balance report elsewhere on the agenda.
- 3.3 To ensure clarity and for ease of discussion in the refresh of this large and complex document, the CRC agreed that each paragraph should have a unique reference number ("URN") so that all can clearly identify which section is being referred to. This is particularly important given the length and complexity of the document, and the interdependencies which occur throughout. The refreshed constitution formatting now incorporates this referencing.
- 3.4 The CRC also agreed that there would be a staged refresh of sections of the constitution, reviewed through the Task and Finish Group, to ensure the task was done in a manageable way. Each section has now been reviewed and comments from members of the Task and Finish Group have been included in the Final Draft attached to this report.
- 3.5 Whilst the review was undertaken in a staged manner, it is important to agree the constitution as a whole document to ensure that the interdependencies and referencing within it remain accurate and consistent.

- 3.6 Once the refreshed Constitution is adopted by Full Council it will be uploaded to the website. Further work on its accessibility will be undertaken to add in hyperlinks within the document and external websites for ease of use by the reader.
- 3.7 Council should note that the review has not changed any delegations and subject to the adoption of the refreshed version, the subsequent CRC will consider any recommendations regarding best practice improvements following a review by an independent legal firm specialising in Local Authority Constitutions in the new municipal year.
- 3.8 In addition to this, further work on the delegations and Financial, Contract and Procurement rules will be undertaken, which was not covered by the scope of the work undertaken in this review.

4. Implications

Corporate Priorities

- 4.1 The refresh of the constitution will support the delivery of the council's corporate priorities of:
 - 4.1.1 Community leadership to create a sense of pride in our place;
 - 4.1.2 Promoting health and wellbeing and encouraging healthy life choices;
 - 4.1.3 Creating a sustainable environment to protect future generations;
 - 4.1.4 Supporting businesses and residents to deliver a prosperous local economy

Consultation

- 4.2 In preparing this report, no statutory consultation has been required. The report is informed by the views of the CRC and Scrutiny Commission and their comments have been incorporated into the final version attached to this report.

Financial

- 4.3 There are no direct financial implications as a consequence of this report. However, it has been a resource intensive process for both officers and members in the time needed to review and redraft the document.

Legal

- 4.4 The requirement to establish and maintain a constitution is contained within section 20 of the Local Government and Housing Act 1989 and supplemented by the Local Authorities (Standing Orders)(England) Regulations 2001 as amended. The refreshed Constitution is now a more user friendly and compliant document, which is future proofed as far as possible.

Environmental Implications

- 4.5 The Council has declared a climate emergency. This report does not specifically address climate issues however regard has been had in the preparation and the engagement through the CRC Task and Finish Group to minimising environmental impacts such as by conducting as much of the review as possible electronically rather than by printing documents. Where 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 purposed constitution.

Equalities Impact

- 4.7 The amendment of the constitution, which is statutorily required, does not give rise to any direct equalities and in fact may reduce adverse equalities impacts by ensuring that the Council adopts a plain English document which is easier to understand and navigate. The refresh will enable font types and sizes to be standardised throughout the document and meet minimum accessibility standards. Removing tables as far as possible will ensure that the constitution is more accessible for those utilising aids. At this point however, a full equality impact assessment is not considered necessary.

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 No alternative options were considered as the CRC had given clear instructions for the review.

6. Recommendations

- 5.1 For the reasons set out within this report, it is recommended that the full Council adopt the refreshed Constitution.

7. Background Papers

- 7.1 The Current Constitution of Harborough District Council. [HDC Current Constitution](#)

- 7.2 Previous reports to Council bodies in respect of governance generally as follows:

- 7.2.1 Annual Council – 15 May 2023

<https://cmis.harborough.gov.uk/cm5/Meetings/tabid/73/ctl/ViewMeetingPublic/mid/410/Meeting/5706/Committee/847/Default.aspx>

- 7.2.2 CRC – 29 June 2023

<https://cmis.harborough.gov.uk/cm5/Meetings/tabid/73/ctl/ViewMeetingPublic/mid/410/Meeting/5746/Committee/852/Default.aspx>

- 7.2.3 CRC – 5 October 2023

<https://cmis.harborough.gov.uk/cm5/Meetings/tabid/73/ctl/ViewMeetingPublic/mid/410/Meeting/5774/Committee/852/Default.aspx>