

Harborough District Council

Report to Constitutional Review Committee

Meeting of 5 October 2023



Title:	Update on the review of the constitution
Status:	Public
Appendices:	A: Proposed constitution refresh timeline

Summary

- i. The Constitution Review Committee (“CRC”) is responsible for overseeing the maintenance and development of the Council’s Constitution.
- ii. At its meeting on 29 June 2023, the CRC agreed that a task and finish group of 7 Members be created to ensure communication and discussion on constitutional changes can occur and progress be reported to the Committee as appropriate. The Group would engage with all Members in a variety of mediums, starting at Part 1 of the constitution with a rolling review.
- iii. The Council does not at this stage wish to undertake a fundamental review of the constitution, but rather to remove ambiguity and duplication and made the constitution fit for purpose. However, given the scale of ambiguity and duplication, this may appear to be a more fundamental review than it in reality is.
- iv. The CRC requests that the review of the constitution progresses with a “side by side” approach to each section for ease of reference by Members.

Recommendations

1. Consider the proposed timeline for the refresh of the Constitution

Reasons for Recommendations

- v. It is appropriate that the Constitutional Review Committee adopt a well thought out process to approach the refresh of the Constitution which can be communicated to all Members so that they are aware of the process to be undertaken, and how they can engage with this important task.

1. Purpose of Report

- 1.1 To inform the Constitutional Review Committee of the timeline for the refresh of the Constitution.

2. Background

- 2.1 Since the last meeting of the Constitution Review Committee (“CRC”), work has been undertaken to develop a timeline for the refresh of the constitution.
- 2.2 Good participation at all levels of decision making enables the design and delivery of services and processes which are grounded in reality and reflect peoples’ needs. Meaningful participation builds trust, creates a partnership approach, and leads to improved planning and early identification of, and solutions to, potential areas of concern. This is so even when the community being engaged with is internal to the Council – the Members and officers. A good plan for delivering a review of the constitution should therefore set out how participation will be facilitated, as well as indicative timescales and milestones for delivery, with sufficient time to plan, reflect and deliver the appropriate outcome.

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. Previous reports have set out the importance of good governance and why this exercise is being undertaken, however this report provides the detail as to the process by which the desired outcome (an up to date and user friendly constitution) can be achieved.
- 3.2 The CRC previously indicated that involvement in the refresh of the constitution should be undertaken as widely as possible with all Members, so that all views are captured and taken into account. Methods of undertaking this work were discussed by the CRC and included engagement via:
 - 3.2.1 **Documents** – three columns showing original, commentary and proposed sections of the constitution;
 - 3.2.2 **Forms** – questions about the constitution which will enable standard responses and facilitate comprehensive analysis of the responses;
 - 3.2.3 **Videos** – short explanations of the proposals by section;
 - 3.2.4 **Teams** – a channel where Members can leave comments on the proposals in the chat function.
- 3.3 To facilitate the widest possible involvement 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 commented on. This is particularly important given the length and complexity of the document, and the interdependencies which occur throughout.
- 3.4 The CRC also agreed that there will be a staged release of sections of the constitution, and that each section will be open for comment for a limited period. It is proposed that

the smaller sections be dealt with first – Parts 1, 6 and 7, followed by the more detailed sections. It is initially suggested that 5 weeks be allowed for each chunk of the constitution, with each being concluded before the next is considered. The aim of this staged approach is to ensure that all Members who wish to participate in the refresh of the Constitution have the opportunity to do so whilst proposals are at a formative stage. The full proposed timeline is attached as Appendix A.

- 3.5 In the event that there is no consensus on any proposal, the CRC, sitting as the task and finish group, will determine what is ultimately put to Council for adoption. It is important to note however that decisions will need to be made at the end of consideration of each section as this will impact the drafting of the next sections to be considered.
- 3.6 It is anticipated that the refresh will be concluded for the spring meeting of the CRC, with a view to the CRC being in a position to make a recommendation to Council thereafter.

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 sets out how future consultation with Members will be managed.

Financial

- 4.3. There are no direct financial implications as a consequence of this report. However, completing the refresh of the constitution in a timely and efficient manner will secure the best use of scarce resources..

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 proposals put forward in this report build on earlier reports to update the Constitution towards 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 of the engagement strategy 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. Recommendations

- 5.1. For the reasons set out within this report, it is recommended that the Constitutional Review Committee consider and approve the proposed timeline for the refresh of the constitution;

6. Background Papers

- 6.1 The Constitution of Harborough District Council.
- 6.2 Previous reports to Council bodies in respect of governance generally as follows:

6.2.1 Annual Council – 15 May 2023

<https://cmis.harborough.gov.uk/cm5/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=UWJ6vn9G%2bAKPoUwCCHWnTxetS5W%2bx9leT%2bhaP8KX32ctmDRJOGy7Ww%3d%3d&rUzwRPf%2bZ3zd4E7lkn8Lyw%3d%3d=pwRE6AGJFLDNih225F5QMaQWCtPHwdhUfCZ%2fLUQzgA2uL5jNRG4jdQ%3d%3d&mCTIbCubSFfXsDGW9IXnlG%3d%3d=hFfIUdN3100%3d&kCx1AnS9%2fpWZQ40DXFvdEw%3d%3d=hFfIUdN3100%3d&uJovDxwdjMPoYv%2bAJvYtyA%3d%3d=ctNJFf55vVA%3d&FgPIIEJYlotS%2bYGoBi5oIA%3d%3d=NHdURQburHA%3d&d9Qji0ag1Pd993jsyOJqFvmyB7X0CSQK=ctNJFf55vVA%3d&WGeWmoAfeNR9xqBux0r1Q8Za60lavYmz=ctNJFf55vVA%3d&WGewmoAfeNQ16B2MHuCPMRKZMwaG1PaO=ctNJFf55vVA%3d>

6.2.2 CRC – 25 January 2023

<https://cmis.harborough.gov.uk/cm5/Meetings/tabid/73/ctl/ViewMeetingPublic/mid/410/Meeting/5710/Committee/813/SelectedTab/Documents/Default.aspx>

6.2.3 CRC – 29 June 2023

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

6.3 Previous presentations and training events:

<https://harboroughcouncil.sharepoint.com/sites/HInt/SitePages/Member-Support.aspx>