

**Eden District Council
Accounts and Governance Committee**

27 September 2018

Review of the Constitution

Portfolio:	Resources
Report from:	Deputy Chief Executive
Wards:	All Wards
OPEN PUBLIC ITEM	

1 Purpose

- 1.1 To enable consideration to be given to carrying out a review of the Constitution.

2 Recommendation

It is recommended that:

- 2.1 a review of the Constitution be carried out; and
- 2.2 a Panel be established comprising three Members of this Committee to report back with recommendations on any necessary changes to the Constitution.

3 Report Details

- 3.1 There was a comprehensive review of the Constitution which took place in the municipal years 2015-2016 and 2016-2017. The result of this is an amended Constitution which has been designed to be easier to use with a table of contents referenced to page numbers. The Constitution is up to date and feedback received by the Deputy Chief Executive and his officers from Members has been favourable in terms of the format and usability of the current Constitution.
- 3.2 In recent years there has been an annual review of the Constitution. On 30 November 2017 this Committee resolved not to set up a working group to review the constitution for 2017/18 due to the substantial review carried out in the previous year.
- 3.3 If a working group is set up, the first meeting of the group could be to determine what particular aspects of the Constitution should be reviewed and how the review should be undertaken. It is envisaged that the group would report back to the Accounts and Governance Committee either when its deliberations have been concluded or when discrete aspects of the review have been concluded. Ultimately it will be a matter for Council to decide whether to make any further changes to the Constitution having regard to any recommendations from this Committee.

- 3.4 It is considered that a review of the constitution would be appropriate. It is considered that the setting up of a Member working group would be a positive step in the carrying out the work involved in that review.

4 Policy Framework

- 4.1 The Council has four corporate priorities which are:

- Decent Homes for All;
- Strong Economy, Rich Environment;
- Thriving Communities; and
- Quality Council

- 4.2 This report meets the Quality Council corporate priority

5 Consultation

- 5.1 The Chairman and Vice Chairman of the Accounts and Governance Committee have been consulted upon the proposals within this report.

6 Implications

6.1 Financial and Resources

- 6.1.1 Any decision to reduce or increase resources or alternatively increase income must be made within the context of the Council's stated priorities, as set out in its Council Plan 2015-19 as agreed at Council on 17 September 2015.

- 6.1.2 There are no proposals in this report that would reduce or increase resources.

6.2 Legal

- 6.2.1 The Constitution has over recent years been reviewed on an annual basis, for 2017-2018 it was judged a formal Member review was not required. It is a matter for Council itself to approve the formal and final version of the Constitution.

6.3 Human Resources

- 6.3.1 There are no human resources implications arising out of the proposals within this report.

6.4 Statutory Considerations

Consideration:	Details of any implications and proposed measures to address:
Equality and Diversity	There are no implications arising from this report.
Health, Social Environmental and Economic Impact	There are no implications arising from this report.
Crime and Disorder	There are no implications arising from this report.
Children and Safeguarding	There are no implications arising from this report.

6.5 Risk Management

Risk	Consequence	Controls Required
Over time the Constitution ceases to be fit for purpose and does not include the provisions which are considered to be necessary and required.	Risk of decisions being challenged due to not being made in accordance with proper administrative requirements.	Annual consideration given to the need to review the Constitution.

7 Other Options Considered

- 7.1 The Committee could either set up a Constitution Review Group or decide not to do so.

8 Reasons for the Decision/Recommendation

- 8.1 To enable consideration to be given to the need for any amendments to the Constitution.

Tracking Information

Governance Check	Date Considered
Chief Finance Officer (or Deputy)	14 September 2018
Monitoring Officer (or Deputy)	17 September 2018
Relevant Assistant Director	18 September 2018

Background Papers: Council Constitution

Appendices: None

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