

POLICY AND PERFORMANCE SCRUTINY PANEL

Thursday, 17 June 2021

CONSTITUTION UPDATE

Report of the Monitoring Officer

Recommendation

It is recommended that:

- (1) Policy & Performance Scrutiny Panel to consider and review the First Draft Constitution and make any comments prior to submission to Group Leaders
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Summary

A project team of specialists have carried out a review of the existing Constitution to ensure the content is up to date, fit for purpose and understandable.

Focus for Scrutiny

Review the changes made and provide feedback.

Statutory Powers

Local Government Act 2000 Section 37

Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015

Localism Act 2011

Strategic Implications

1. This report relates to all objectives in the Corporate Plan 2015-2025 in that an up to date and legally compliant Constitution is required to underpin the activities and decision-making of the Council.

Introduction

2. Eastleigh Borough Council's Constitution sets out the way in which the Council runs and the processes it uses. A good Constitution assists both councillors and staff in the process of democratic decision making and must be understood by all, including members of the public who interact with the Council. A written Constitution is required by law and whilst Eastleigh Borough

Council's Constitution has been regularly updated it has not been comprehensively reviewed for some time.

3. A review is required to ensure the content reflects Eastleigh Borough Council's core values and working practices. The review will look at the various codes, processes and documentation attached to the Constitution to ensure legislation cited is up to date, responsibilities, functions and language is correct and that the Constitution reflects best practice.

The Constitution

4. A project team of specialists have been reviewing and amending the existing Constitution over the past 10 months. The updated draft Constitution has been shared with lead council staff for initial comment and Executive Heads have been given the opportunity to consult on the changes alongside Policy & Performance Scrutiny Panel. The draft Constitution will go to Group Leaders in the early Autumn for discussion prior to submission to Full Council in November for sign off.
5. The Constitution, 'Parts 1-8', in its entirety can be found in the attached appendices 1-8 -. These are working documents and will be subject to further review and amendment.
6. A summary of proposed changes to the Constitution can be found in the attached excel document (appendix 9).
7. The Monitoring Officer is now seeking the input of this Committee who are asked to consider the proposed Constitution and feedback comments to the Monitoring Officer.

Financial Implications

8. There are no direct financial implications arising from this report.

Risk Assessment

9. An up to date Constitution is necessary to ensure effective governance of the Council.

Equality and Diversity Implications

10. The Equality Act has been considered and an EQIA has been completed. The long-term aim of the Council is to embed within its services, processes and culture an inclusive mindset and approach that values every individual. The updated Constitution aims to achieve this, and changes have been made to ensure gender neutrality. The Constitution is produced in an accessible format and readily available to the public via the Councils website which complies with accessibility standards.

Climate Change and Environmental Implications

11. There are no Change and Environmental Implications arising from this report.

Conclusion

12. Under provisions contained within the Local Government Act 2000 (and as subsequently amended) the Council is required to prepare and maintain a Constitution. A Constitution ensures procedures are efficient, transparent and accountable. It has been an aspiration for some time to review the current Constitution, and to make the content more accessible, fit-for purpose, up to date and to reflect Eastleigh Borough Council's core values. The purpose of this report is to obtain feedback from Policy & Performance Scrutiny panel on the proposed changes.

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EXECUTIVE HEAD OF GOVERNANCE & MONITORING OFFICER

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ASSISTANT PROJECT MANAGER

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Appendices Attached: 9

LOCAL GOVERNMENT ACT 1972 - SECTION 100D

The following is a list of documents which disclose facts or matters on which this report or an important part of it is based and have been relied upon to a material extent in the preparation of this report. This list does not include any published works or documents which would disclose exempt or confidential information.

None