

# COUNCIL

Thursday, 11 November 2021

## UPDATED CONSTITUTION 2021

### Report of the Monitoring Officer

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#### Recommendation(s)

**It is recommended that Council approves the proposed amendments to the Constitution (Appendices 1 – 7)**

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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.

The updated Constitution has been reviewed by Executive Heads , Corporate Leadership Board, Policy & Performance Committee (alongside a Policy & Performance Working Group) and Group Leaders.

#### 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. A copy of the current Constitution is published on the Council's website:  
<https://www.eastleigh.gov.uk/council/councillors-meetings-and-decision-making/our-constitution>

## **The Constitution**

4. A project team of specialists including the Chief Executive, Monitoring Officer, Project Manager, Legal Services Manager and Democratic Services Manager have been reviewing and amending the existing Constitution over the past 12 months. The updated Constitution has been shared with lead council staff for initial comment and the Executive Team have been given the opportunity to consult on the changes. The draft Constitution was presented to the Policy and Performance Scrutiny Panel on 17 June 2021. It was agreed that a Working Group be established to review the suggested amendments and report back to the Panel on 15 July 2021. The Working Group met twice and closely scrutinised the proposed changes. The Panel made recommendations which were put forward to the Group Leaders to consider ahead of Council in November 2021.
5. The Constitution, 'Parts 1-7', in its entirety can be found in the attached appendices 1-7:
  - Part 1 – Summary and Explanation APPENDIX 1
  - Part 2 – Articles of the Constitution APPENDIX 2
  - Part 3 – Responsibilities for Functions APPENDIX 3
  - Part 4 – Rules of Procedure APPENDIX 4
  - Part 5 – Codes and Protocols APPENDIX 5
  - Part 6 – Councillors' Allowance Scheme APPENDIX 6
  - Part 7 – Executive Structure APPENDIX 7
  - Part 8 – Index (to be updated following approval)
  - Part 9 – Glossary (to be developed following approval)
6. A summary table of proposed changes to the Constitution can be found in appendix 8. The majority of changes have been minor and include updates to job titles, legislation and grammatical and spelling errors. It is worth noting that a review of the Local Government Association's Model Code of Conduct (January 2021) has been reviewed and relevant updates included in the Section 5 Code of Conduct (appendix 5).

7. As part of the publication of the new Constitution after it has been approved, work will be done to ensure that it is easier to navigate and will utilise hyperlinks.

### **Financial Implications**

8. There are no direct financial implications arising from this report. However, the Constitution does include the Financial Procedure Rules (part 4) which governs how the Council's finances operate and has been subject to review by the Chief Financial Officer, Executive Head of Finance and Strategic Housing and the Corporate Finance Team.

### **Risk Assessment**

9. An up to date Constitution is necessary to ensure effective governance of the Council and that the Council complies with the rules of law.

### **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 Council's website which complies with accessibility standards.

### **Climate Change and Environmental Implications**

11. There are no Climate 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 approval from Council for the proposed changes and updated document.

JOANNE CASSAR  
EXECUTIVE HEAD OF GOVERNANCE & MONITORING OFFICER

NICOLA TREEBY  
PROJECT MANAGER

Date: 25 October 2021  
Contact Officer: Joanne Cassar, Nicola Treeby  
Tel No: 02380 688015  
e-mail: joanne.cassar@eastleigh.gov.uk,  
nicola.treeby@eastleigh.gov.uk  
Appendices Attached: 1-9

### **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