

COUNCIL

Monday, 28 November 2022

CONSTITUTION - ANNUAL REVIEW AND UPDATES

Report of the Executive Head of Governance (Monitoring Officer)

Recommendation

It is recommended that Council approves the proposed amendments to the Constitution as set out in appendix 1.

Summary

A review of the Constitution has been carried out by the Monitoring Officer to ensure it remains up to date, fit for purpose and understandable.

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.
3. Eastleigh Borough Council's Constitution was comprehensively reviewed during 2020/21. The revised Constitution was adopted by Council on 11 November 2022. To ensure it remains up to date and fit for purpose the Monitoring Officer, as custodian of the Constitution, will carry out an annual

review. This report presents to Council the revisions suggested as a result of the Monitoring Officer's annual review.

The Constitution

4. A copy of the current [Constitution](#) is available on the Council's Website.
5. Appendix 1 provides details of the suggested amendments to the Constitution.
6. Part 4 of the Constitution includes the Contract Procedure Rules which govern the purchase of works, supplies and services by or on behalf of the Council and comply with the Public Contract Regulations 2015. The current version requires an update to incorporate the procedures for Dynamic Purchasing Systems (DPS). A copy of the suggested paragraphs detailing the arrangements for DPS for inclusion can be found at Appendix 2 which have been subject to review by the Procurement Executive Group.
7. Council is asked to adopt the amendments as set out in Appendices 1 and 2.
8. Council is asked to note that further changes to the Constitution may be required following any revision to staff structures and the Monitoring Officer will provide a further report as necessary.

Financial Implications

9. 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 Chief Accountant.

Risk Assessment

10. 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

11. 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 were 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

12. There are no Climate Change and Environmental Implications arising from the decision in this report. It is a decision relating to constitutional and governance arrangements.

Conclusion

13. 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. The purpose of this report is to obtain approval from Council for the proposed changes.

JOANNE CASSAR
EXECUTIVE HEAD OF GOVERNANCE (MONITORING OFFICER)

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Appendices Attached: one

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