

## Rother District Council

**Report to:** Cabinet

**Date:** 11 January 2021

**Title:** Review of the Council's Constitution

**Report of:** Malcolm Johnston, Chief Executive

**Cabinet Member:** Councillor Oliver

**Ward(s):** N/A

**Purpose of Report:** To agree the process, scope and timescale for undertaking a review of the Constitution.

**Decision Type:** Non-Key

### Officer

**Recommendation(s):** It be **RESOLVED:** That:

- 1) a Constitution Review Steering Group be established, comprising a minimum of 8 Members, in accordance with the political balance requirements, or as otherwise determined to ensure each political group is represented; and
- 2) the Terms of Reference be approved as attached at Appendix A.

### Reasons for

**Recommendations:** To enable the establishment of an executive convened Steering Group to undertake a review of the Constitution and fulfil one of the Council's priority objectives within the emerging Corporate Plan.

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## Introduction and background

1. The Constitution of Rother District Council (RDC) sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the Council to choose.
2. It is the role of the Monitoring Officer to ensure that the Constitution is maintained, reviewed and monitored. However, this is an on-going task, and keeping it up to date, following amendments / policy changes / legislation / restructures etc. is challenging within the resources available; the Constitution is published on the Council's website and can be found at the following link:  
  
<https://www.rother.gov.uk/strategies-policies-and-plans/constitution/>
3. Part II of the Local Government Act 2000 contained provisions for new political management structures for local authorities in England and Wales, including local authority executives and executive arrangements. At that time, there was no choice but to adopt a new style of decision-making structure, following

consultation with residents. The objective of the Act was to deliver greater efficiency, transparency and accountability with the new arrangements intending to ensure that decisions could be taken more quickly and efficiently than in the existing committee system, that the individuals or bodies responsible for decision-making could be more readily identified by the public, and that those decision-makers could be held to account in public by overview and scrutiny committees.

4. RDC adopted the current style of decision-making structure from November 2001 and the current Constitution was based on a model Constitution provided by Government. This model was worked through and tailored to RDC's needs and aspirations at that time and took account of the consultation results. The majority of local authority constitutions that operate this style of decision-making structure are based on this model and the style and structure can be seen in our neighbouring authorities' constitutions.
5. There have been numerous tweaks to the decision-making structure since adoption in 2001, essentially concerning the number of overview and scrutiny committees, the creation of an Audit Committee and more latterly the merger of the Audit and Standards Committees, following the 2011 Localism Act.
6. The Council's emerging Corporate Plan will include a priority objective to create an open Council by improving access to Council meetings, opening the Council to the public to ensure increased transparency, proper consultation and better visibility by the end of 2023. This review of the Constitution will be one of the actions to achieve this objective.

## **Considerations**

7. Whilst the Overview and Scrutiny Committee has a constitutional role in reviewing the Constitution (Article 15), as this review forms part of the Council's emerging corporate plan, which reflects the aspirations of the current administration, it is proposed that the review is conducted by way of a Cabinet formed Steering Group, that feeds into the Overview and Scrutiny Committee. This will ensure that lead Cabinet Members who seek constitutional change are able to contribute effectively; if the Overview and Scrutiny Committee was tasked with undertaking the review, Executive Members would not be permitted to sit on the Group. All Members of the Council will have an opportunity to feed into the work of the Steering Group and ultimately any constitutional changes will have to be agreed by full Council.
8. To ensure that the Steering Group reflects a broad cross section of Members, it is proposed that the Steering Group comprises a minimum of eight Members in accordance with political balance requirements, or as otherwise determined to ensure that each political group serving on the Council is represented. More importantly, it will be essential to appoint Members who are interested and keen to actively take part in the work of the Steering Group. It is also recognised that external expert assistance and advice will be required to support the work of this Steering Group.
9. Draft Terms of Reference (ToR) for the Steering Group are attached at Appendix A. Depending on the scale of any changes proposed, consultation with residents may be required and this may have an impact on the overall

timescales given in the ToR. It may also be appropriate, depending on the nature of the changes proposed, to implement changes from the commencement of the new civic year in May 2022.

## Environmental

10. The Steering Group will consider the Council's Environment Strategy and pledge to become carbon neutral by 2030 when considering constitutional change and how any proposed changes may have an environmental impact.

## Conclusion

11. This report brings forward the establishment of a Constitutional Review Steering Group to meet a priority objective within the emerging Corporate Plan to improve access to Council meetings, open the Council to the public to ensure increased transparency, proper consultation and better visibility by the end of 2023.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	Consultation	Yes
Environmental	Yes	Access to Information	No
Sustainability	No	Exempt from publication	No
Risk Management	No		

Chief Executive:	Malcolm Johnston
Report Contact Officer:	Lisa Cooper, Democratic Services Manager
e-mail address:	<a href="mailto:lisa.cooper@rother.gov.uk">lisa.cooper@rother.gov.uk</a>
Appendices:	Appendix A – Terms of Reference
Relevant Previous Minutes:	None.
Background Papers:	None.
Reference Documents:	None.

## THE CONSITUTION REVIEW STEERING GROUP

### TERMS OF REFERENCE

#### Aims

For the Steering Group to consider and make recommendations to the Overview and Scrutiny Committee on changes to the Council's Constitution.

#### Scope & Objectives

To modernise the way the Council operates by undertaking a complete review of the Constitution.

#### Approach

1. Review current Constitution and consider areas for revision – identify the areas of concern.
2. Compare practice / arrangements from neighbouring authority's Constitutions.
3. Carry out public consultation, depending on nature of proposed changes, including with the Overview and Scrutiny Committee.
4. Consider outcome of consultation / propose final recommendations to Council, via Cabinet.

#### Timescales

<b>Action</b>	<b>By when</b>
Establish the Constitution Review Steering Group	31/01/21
Identify key areas for change	31/03/21
Consultation with all Members / OSC / public	30/07/21
Cabinet consider and recommends changes to Council	31/09/21
Full Council approval	31/12/21
New Constitution implemented	31/01/22

#### Membership

A minimum of 8 Members, to be appointed in accordance with political balance requirements, or as otherwise determined to ensure that each political group serving on the Council is represented.

The Chairman will be elected from amongst the eight elected Members at the first meeting. Meetings will require at least three elected Members to attend to be quorate.

#### Officers

Chief Executive and Democratic Services Manager.

Additional input from other elected Members and officers as and when required, as well as expert external advisers.

#### Meetings

Meetings of the Steering Group will not be open to the public.