

FLINTSHIRE COUNTY COUNCIL

REPORT TO: CONSTITUTION COMMITTEE

DATE: TUESDAY, 24 JULY 2012

REPORT BY: DEMOCRACY & GOVERNANCE MANAGER

SUBJECT: REVIEW OF CONSTITUTION

1.00 PURPOSE OF REPORT

- 1.01 To inform the committee of a proposed rolling review of the Constitution.
- 1.02 To inform the committee of proposed arrangements to raise understanding of the Constitution amongst Members and officers.

2.00 BACKGROUND

- 2.01 Section 37 of the Local Government Act 2000 requires a local authority such as Flintshire to keep up-to-date a Constitution containing information prescribed by the Welsh Government and for that to be available for inspection by members of the public. Section 38 requires the authority to have regard to guidance issued by the Welsh Government and such guidance required the Constitutions to be in the modular format that Flintshire has. The Constitution currently runs to nearly 500 pages and the contents are indicated in appendix 1.
- 2.02 Article 1 of the Constitution lists the eight purposes of the Constitution as attached in appendix 2. Article 18 places a duty on the Monitoring Officer to monitor and review the operation of the Constitution (see appendix 3). There is also an obligation on the Head of Legal & Democratic Services to ensure that a summary of the Constitution is made widely available within the area and is updated as necessary (article 19, appendix 4).
- 2.03 Following a recommendation from the Constitution Committee at its meeting on the 18 January 2012 the County Council at its meeting on the 31 January 2012 simplified the process by which updating changes can be made to the Constitution and this is now reflected in paragraph 18.02 (see appendix 3). This process has subsequently been used on two separate occasions to make minor updating changes to the Constitution without the need for these to be considered by the County Council itself.

3.00 CONSIDERATIONS

- 3.01 The current Constitution is a lengthy document that has been kept up-to-date on an ad-hoc basis as and when changes to it are needed. There has not been a programmed comprehensive review of it. The constant updating of it has led to inconsistencies in the style and terminology used.
- 3.02 In undertaking a programmed review of the entire Constitution it has to be recognised that this will take time and that because of the requirements of sections 37 and 38 of the Local Government Act 2000, the length and format can not be radically changed.
- 3.03 The programmed review should however, lead to a more readable document that uses consistent terminology and consistent style and removes any ambiguities that currently exist.
- 3.04 Attached as appendix 5 is a draft programme for the review spreading the work over a three year period. As each numbered part of the programme is undertaken there will be a report to the committee for its consideration. The first such report to the next meeting of the committee will identify key guiding principles to the review, such as the use of plain English and the avoidance of duplication.
- 3.05 Throughout the process there will be the ongoing updating pursuant to the arrangements agreed by County Council at its meeting on the 31 January 2012. This will include updates as a result of decisions at the annual meeting each year, changes required by new legislation such as the Local Government (Wales) Measure 2011 and to Members' allowances as a result of reports from the Independent Remuneration Panel for Wales.
- 3.06 Whilst the order shown in appendix 5 is for consideration by the committee, there are reasons for certain parts of the order. For example, there is currently a national review of contract procedure rules which Flintshire is awaiting the outcome of. That review may well inform a review of the finance procedure rules. It is believed that the summary of the Constitution should be considered both at the start of the review process and revisited at the end of it.
- 3.07 Whilst the Constitution is obviously an important document, there is a lack of understanding of it amongst both Members and officers. It is considered that this could be addressed by:-
- a) The rolling programme commencing with reviewing the summary of the Constitution contained on pages 4 to 9 of it.
 - b) Publicising on the Council's website and elsewhere the reviewed summary.
 - c) Arranging briefings for groups of officers and groups of Members on the Constitution.

4.00 RECOMMENDATIONS

- 4.01 For the committee to note the proposed programmed review of the Constitution and amend appendix 5 as it believes appropriate.
- 4.02 For the committee to endorse the proposals in paragraph 3.07 above in relation to raising understanding of the Constitution amongst Members and officers.

5.00 FINANCIAL IMPLICATIONS

- 5.01 None as a result of this report.

6.00 ANTI POVERTY IMPACT

- 6.01 None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

- 7.01 None as a result of this report.

8.00 EQUALITIES IMPACT

- 8.01 None as a result of this report.

9.00 PERSONNEL IMPLICATIONS

- 9.01 None as a result of this report.

10.00 CONSULTATION REQUIRED

- 10.01 None as a result of this report.

11.00 CONSULTATION UNDERTAKEN

- 11.01 With the Monitoring Officer.

12.00 APPENDICES

- 12.01 Appendix 1 - Contents of Constitution
- Appendix 2 - Article 1 of Constitution
- Appendix 3 - Article 18 of Constitution
- Appendix 4 - Article 19 of Constitution
- Appendix 5 - Draft programme for the review

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985 BACKGROUND DOCUMENTS

The Council's Constitution

Contact Officer: Peter Evans
Telephone: 01352 702304
Email: peter.j.evans@flintshire.gov.uk