



Report Reference Number: A/20/7

To: Audit and Governance Committee
Date: 29 July 2020
Status: Non-key Decision
Ward(s) Affected: All Wards
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Title: Review of the Constitution 2020

Summary:

The purpose of this report is for the Audit and Governance Committee to be made aware of the changes made to the Constitution following:

- (i) the resolution of this Committee dated 10 April 2019 under delegation in respect of changes to standards arrangements; and
- (ii) other changes made by the Monitoring Officer under delegation, including giving effect to remote meetings.

Recommendation:

To note the changes to the Constitution set out at Appendix A to this report (and Appendix 1 of item 14 of the agenda) and refer the same to Full Council for noting.

Reason for recommendation:

To maintain an up to date Constitution of the Council.

1. Introduction and background

1.1 The Constitution is a key document in the Corporate Governance Framework of the Council. The two overarching principles of good governance as set out in the Chartered Institute of Public Finance and Accountancy (CIPFA) code are:

- Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of law; and
- Ensuring openness and comprehensive stakeholder engagement.

1.2 Under Article 15 of the Constitution the Monitoring Officer has a duty to monitor and review the Constitution. The changes made following this review are either

administrative, as a result of legislative changes, or as approved by the Audit and Governance Committee on 10 April 2019 in relation to standards arrangements, and therefore fall within delegation under the existing Constitution.

- 1.3 The Terms of Reference of Audit and Governance Committee include monitoring and reporting on the effectiveness of the Constitution, and therefore the changes are reported to this Committee and referred to Council to note.

2. The Changes

- 2.1 The review has been undertaken by the Monitoring Officer. The review has considered changes to legislation concerning Remote Meetings, and recommendations of the Audit and Governance Committee in relation to Standards arrangements.
- 2.2 The table at Appendix A sets out the proposed changes in the different sections of the Constitution.
- 2.3 Audit and Governance Committee are asked to note the changes and refer the same to Council to note.
- 2.4 As the changes relating to remote meetings fall within delegation and are as a result of legislative changes, they became operative in June 2020. Present legislation allows Remote meetings until May 2021.

3. Alternative Options Considered

Not applicable.

4. Implications

4.1 Legal Implications

A local authority is under a duty to prepare and keep up to date its constitution under the Local Government Act 2000 as amended.

4.2 Financial Implications

None.

4.3 Policy and Risk Implications

If the Constitution is not up to date, there is a risk that decisions will not be made on a lawful basis.

4.4 Corporate Plan Implications

The changes made by the Monitoring Officer enable Council business to be undertaken through remote meetings in a transparent and fair manner, having regard to the public health requirements during the Covid-19 pandemic. The

changes resolved to be made by the A&G Committee on 10 April 2019 ensures that the Council continues to promote and maintain high standards of member conduct in accordance with the most up to date recommendations for best practice.

4.5 Resource Implications

None.

4.6 Other Implications

None.

4.7 Equalities Impact Assessment

None.

5. Conclusion

The amendments made ensure delivery of decision making in an open and transparent manner whilst complying with public health objectives of avoiding face to face meetings to assist in reducing the spread of Covid-19.

6. Background Documents

None.

7. Appendices

Appendix A – Amendments to the Constitution

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