

## Central Bedfordshire Council

GENERAL PURPOSES COMMITTEE

30 March 2017

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### Report on the Arrangements for Reordering and Indexing the Constitution

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### Purpose of this report

1. To provide the Committee with an update on the progress made on re-ordering and indexing the Constitution.

### RECOMMENDATIONS

The Committee is asked to:

1. Note the progress made on reordering and indexing the Constitution.

### Overview and Scrutiny Comments/Recommendations

1. This Report sets out an update for reordering and indexing the Constitution which comes within the remit of the General Purposes Committee and Council.

### Introduction

2. The requirement for Local Authorities to have a Constitution was originally detailed in s.37 of the Local Government Act 2000. The Secretary of State also prescribed a number of matters which were required to be included in the Constitution.
3. To assist Local Authorities the Secretary of State produced a template modular constitution which took into account the legislative requirements for the contents of a constitution. The template was drafted to avoid unnecessary duplication and to promote ease of use by having similar things in the same place.
4. The requirement for a Constitution is now in s.9P of the Local Government Act 2000 and the Regulations which prescribed the further matters to be included in the Constitution have been repealed. The

inclusion of those matters within a constitution does however continue to be best practice.

5. Upon its introduction, the template modular constitution was widely adopted by Councils and continues to be used.
6. Upon its creation in 2009 Central Bedfordshire Council adopted its Constitution and whilst it contains all the required matters it did not follow the template version.
7. On 30 June 2016 this Committee considered the re-ordering of the Constitution and on the basis that re-ordering the Constitution would bring all similar elements together, such as decision making, and would allow easier navigation of the Constitution for officers, Members and the public, recommendations were made to full Council to re-order the Constitution.
8. Following that recommendation on 21 July 2016 full Council approved the re-ordering and formatting of the Council's Constitution into the template modular form and resolved that the Monitoring Officer was authorised to implement the changes and take any steps consequential, incidental or necessary to bring them into effect.
9. Draft re-ordering of the Constitution is nearly finalised.
10. The index for the Council's current Constitution is attached as Appendix A.
11. The index for the proposed re-ordered Constitution is attached as Appendix B. It consists of 6 Parts. Part 2 contains the Articles which set the framework or architecture of the Constitution. Decision making is contained in Part 3. The detailed standing orders or rules and procedures are then set out in Part 4. Part 5 is Codes of Conduct.
12. A destination table is also attached as Appendix C showing each part of the current Constitution and where it is proposed that part will move to within the new format.
13. The current Constitution is available via the following link:  
<http://centralbeds.moderngov.co.uk/ecSDDisplay.aspx?name=Constitution&clean=1>
14. and the draft re-ordered Constitution is available on the following page:  
<http://centralbeds.moderngov.co.uk/ieListDocuments.aspx?CId=617&MId=5188&Ver=4>

15. Although no changes to the content are to take place, minor amendments including summaries or indexes will need to be added. Renumbering and changes to references to other parts of the Constitution will also need to take place once the final draft version is approved. For ease, potential additions/amendments have been highlighted in the draft re-ordered Constitution.

### **Council Priorities**

16. The effectiveness of the Council's governance arrangements contributes to the achievement of all the Council's priorities. Having a more readily accessible Constitution will assist with this.

### **Corporate Implications**

#### **Risk Management**

17. There are no specific risk issues arising from this report.

#### **Staffing (including Trades Unions)**

18. There are no specific staffing issues arising from this report,

#### **Legal Implications**

19. None except as detailed in the report.

#### **Financial Implications**

20. This report raises no specific financial implications at this time.

#### **Equalities Implications**

21. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. A more accessible Constitution will assist with access by the public in general.

#### **Conclusion and next Steps**

22. The draft Constitution will need finalising. Once a final version is agreed and approved promotion and awareness of the re-ordered Constitution will then need to take place.

## **Appendices**

Appendix A – Index for the current Constitution

Appendix B – Index for the draft proposed Constitution

Appendix C – Destination Table

## **Background Papers:**

Draft Re-ordered Constitution

<http://centralbeds.moderngov.co.uk/ieListDocuments.aspx?CId=617&MId=5188&Ver=4>