

Constitution Working Party
Briefing Note to Transformation and Resources OSC
20 May 2013

1. Background

- 1.1 The Constitution is the set of rules that describe and constrain how the Council operates, how its decisions are made and the procedures to be followed.
- 1.2 On 24 April 2013, Council resolved to adopt amendments to the Constitution recommended by the Working Group and that the Group should carry out a continued review of the Constitution.
- 1.3 The approach taken by the Working Group continues to be to:
- (i) Remove obvious duplications;
 - (ii) Identify contradictions and remove the parts that do not accord with local practice or law;
 - (iii) Remove obsolete, inaccurate or unnecessary references to law or processes;
 - (iv) Change dates and time specific items;
 - (v) Use the up to date officer and committee structures and be clear about, for example, job titles;
 - (vi) Simplify wording and improve the indexing;
 - (vii) To use flowcharts rather than narrative where appropriate;
 - (viii) Take best practice from a number of other Constitutions.

2. Current Issues Under Consideration

Substitute Members

- 2.1 Council has approved in principal the use of substitutes and asked the Constitution Review Working Group to continue their work. Members were invited to contact the Working Group with their thoughts on this matter.
- 2.2 Many local authorities operate a substitute system, which provides for the attendance at a committee or sub-committee meeting of a substitute Member whenever a regularly appointed Member cannot attend. It is helpful to ensure a quorum and political balance which in turn avoids decisions which are liable to be overturned or against the wishes of the majority. On the other hand, it is against the general principle of fixed membership and Members may have limited knowledge of the work of the particular committee.
- 2.3 The Constitution Review Working Group have considered different ways of allowing substitutes but are not yet ready to bring forward a full recommendation. Ideas under consideration currently include:
- (i) Substitutes could be provided for by authorising an officer to make changes to the standing appointments of committees and sub-committees on the instruction of the political groups. It would be recommended that at least 24 hours notice be given by the Group to allow the papers to be sent to the substitute in time for them to be read.
 - (ii) Alternatively, the Council could appoint substitutes for each committee or sub-committee, probably at the same time as it appoints the regular Members.

These substitutes could build up knowledge and this then would allow for the maintenance of an accurate committee membership register. If substitutes were to be allowed, it would be recommended that 24 hours notice be given by the Group to ensure that papers are received (as above), and to avoid confusion with the original Member who would not then be eligible to attend that meeting as a Member.

- (iii) Any Substitutes provision would not be allowed for any Committee Chairs and Vice-Chairs.
- (iv) Substitutes for Regulatory Committees would be required to undergo specific training before carrying out their substitute roles.
- (v) Substitutes would not be allowed for Full Council for obvious reasons.

Cabinet Panels

- 2.4 The Constitution Review Working Group has explored the introduction of Cabinet Panels to understand how they are covered by the Constitution. Council agreed that the Constitution Review Working Group continue to review the requirement for a distinct section within the Constitution covering the role and work of Cabinet Panels.

Scrutiny Arrangements

- 2.5 The Constitution Review Working Group is exploring the role of Health Scrutiny, as the very important work that this committee undertakes is not recognised in the Constitution alongside the other Overview and Scrutiny Committees. Appendix 10 of the Constitution will be reviewed in totality, as there has been no review since the current scrutiny arrangements were first introduced in 2007.

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