

Somerset West and Taunton Council

Audit, Governance and Standards Committee – 11 March 2020

Constitution Report

This matter is the responsibility of the Leader of the Council

Report Author: Amy Tregellas, Governance Manager and Monitoring Officer

1.0 Executive Summary / Purpose of the Report

1.1 The purpose of this report is to recommend to the Committee that a Working Group is set up to review the Constitution.

2.0 Recommendation

2.1 The Committee resolve that a Members Working Group is set up to work with the Monitoring Officer to review the Constitution and to make recommendations for updates back to the Audit, Governance and Standards Committee.

3.0 Risk Assessment

3.1 It is important to ensure that the Council has a Constitution that is relevant, appropriate, fit for purpose and is legally sound

4.0 Background and Full details of the Report

4.1 Prior to Somerset West and Taunton Council coming into effect from 1st April 2019, the Shadow Corporate Governance and Standards Committee drafted the Constitution and it was approved at the Shadow Council meeting on 29th March 2019.

4.2 Whilst the Constitution allowed the new Council to operate in a safe and legal way from its inception, it was confirmed that this was very much a starting point and that the document would be a living and breathing one which will be adapted as time goes by to meet the needs of the new Council.

4.3 Now that almost twelve months have passed it is an appropriate time for the Constitution to be reviewed to ensure that it continues to meet the needs of the Council.

4.4 It is recommended that a Members Working Group is set up to work with the Monitoring Officer, and other relevant officers, to review the Constitution and to make recommendations for updates back to the Committee.

4.5 In terms of the democratic process, the Working Group would make recommendations on major changes to the Audit, Governance and Standards Committee and they would then make recommendations to Council for approval.

4.6 It is suggested that the Working Group consist of 4 to 6 Councillors and that it is a cross party group with representatives from various Committees.

5.0 Links to Corporate Strategy

5.1 The Council's Constitution is part of the overarching Governance Framework within which the Council operates

6.0 Finance / Resource Implications

6.1 There are no financial implications in respect of the recommendation within this report. However, the Financial Procedure Rules form part of the Constitution and would be considered as part of the review. The S151 Officer, or his representative would be involved in the discussions.

6.2 The resource implications relate to officer time

7.0 Legal Implications

7.1 Whilst there are no legal implications for carrying out a review of the Constitution, it must be borne in mind that areas defined by legislation within the Constitution cannot be changed. Legal advice will be sought for any proposed changes.

8.0 Climate and Sustainability Implications

8.1 None arising from this report.

9.0 Safeguarding and/or Community Safety Implications

9.1 None arising from this report.

10.0 Equality and Diversity Implications

10.1 None arising from this report.

11.0 Social Value Implications

11.1 None arising from this report.

12.0 Partnership Implications

12.1 None arising from this report.

13.0 Health and Wellbeing Implications

13.1 None arising from this report.

14.0 Asset Management Implications

14.1 None arising from this report.

15.0 Data Protection Implications

15.1 None arising from this report.

16.0 Consultation Implications

16.1 None arising from this report.

17.0 Scrutiny Comments / Recommendation

17.1 The Terms of Reference within the Constitution set out that this is a matter for the Audit, Governance and Standards Committee and not the Scrutiny Committee.

Democratic Path:

- **Scrutiny / Corporate Governance or Audit Committees – Yes**
- **Cabinet/Executive – No**
- **Full Council – Not for this report but future changes to the Constitution will be taken to Full Council**

Reporting Frequency: Ad-hoc updates on the Constitution will come forward to the Committee

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