



**Rochford District  
Council**

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| <b>REPORT TITLE:</b> | <b>Revised Council Constitution</b>                                    |
| <b>REPORT OF:</b>    | <b>Cllr James Newport – Chairman of the Constitution Working Group</b> |

### **REPORT SUMMARY**

On 23 May 2023, Rochford District Council resolved to operate a committee style of governance with effect from the Annual Council meeting on 21 May 2024. In order to support the change of governance arrangements, the Constitution Working Group has conducted a wholesale review of the Constitution.

The proposed revised Constitution now needs to be adopted by the Full Council.

A link to an electronic copy of the proposed Constitution has been included as appendix A to this report, in support of the Council's aims to reduce its reliance on printed material and contribute to the reduction in climate impacts. Paper copies are available on request to Councillors that have a particular requirement for paper format.

### **RECOMMENDATIONS**

**R1 -** That the revised Rochford District Council Constitution be adopted with effect from 21 May 2024.

### **SUPPORTING INFORMATION**

#### **1.0 REASON/S FOR RECOMMENDATIONS**

1.1 The Constitution must be updated to reflect the change to the Council's governance arrangements.

## 2.0 BACKGROUND INFORMATION

- 2.1 Following the Council's resolution to move to a committee system of governance a cross-party Constitution Working Group (CWG) was appointed to undertake a full review of the Council's Constitution with the support of the Monitoring Officer.
- 2.2 The CWG has met regularly since July 2023, undertaking a methodical and comprehensive review of the whole Constitution. In the main, amendments have been made to the existing terms of the Constitution. However, in some cases, sections have been completely replaced or rewritten to bring the Constitution up to date and reflect current best practice.
- 2.3 The majority of the changes relate to:
- Removing all references to the Executive and Executive functions;
  - Inserting the arrangements for the new committee structure;
  - Removing gender specific pronouns;
  - Making the Constitution more accessible and easier to navigate;
  - Updating references to specific posts / job titles and future-proofing for any future changes;
  - Complete rewrite of the Member and Officer protocol;
  - Complete rewrite of the Scheme of Delegations;
  - General updating and ensuring consistent use of terminology throughout the document;
  - Development of a suite of 'Explanatory Notes' which assist in explaining the recognised interpretation and application of the Constitution.
- 2.4 During March and April 2024, training will be provided to assist Members and Officers with understanding and navigating the revised Constitution. Particularly in respect of Council Procedure Rules and the Scheme of Delegation.
- 2.5 To avoid unnecessary printing of the draft Constitution before it is informally adopted, a link to the electronic version of the proposed Constitution has been included with this report. It should be noted that the constitution will undergo further formatting and renumbering before the final version is published. Furthermore there is an intention to create an 'e-book' version of the Constitution. Members of the Council will be able to request a paper copy of the final version if required.
- 2.6 Following this complete review, the Constitution will be kept under regular review by the Monitoring Officer in accordance with the Articles of the Constitution. The Financial Regulations and Contract Procedure Rules will also need further work as they have only undergone a 'light touch' review to remove Executive references and to update job titles. The S.151 Officer has

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commissioned a more thorough review of these sections, the results of which will be presented to the Council in the 2024/25 municipal year.

### **3.0 OTHER OPTIONS CONSIDERED**

- 3.1 A partial review of the Constitution could have been considered, however this would have risked inconsistencies in the Constitution and missed the opportunity to undertake a comprehensive review which should be completed periodically as a matter of best practice.

### **4.0 RELEVANT RISKS**

- 4.1 There is a risk that the Constitution may conflict with legislation. This risk is mitigated by ensuring the Constitution contains the elements set out in the modular constitution and the meets the requirements of the ministerial guidance.
- 4.2 There is a risk that Councillors and Officers are not aware of the revised provisions contained in the Constitution. This risk will be mitigated by the delivery of training for Councillors and Officers.
- 4.3 There is a risk that the Constitution is inaccessible or difficult to understand for members of the public. This Constitution Working Group have aimed to mitigate this risk by the use of accessible language and formatting as far as possible throughout the Constitution.

### **5.0 ENGAGEMENT/CONSULTATION**

- 5.1 No formal consultation is required in respect of this decision.

### **6.0 FINANCIAL IMPLICATIONS**

- 6.1 There are no financial implications associated with adopting a revised constitution. The review has been supported by internal officers within existing budget provision.

### **7.0 LEGAL/GOVERNANCE IMPLICATIONS**

- 7.1 All Councils must adopt a constitution as required by the Local Government Act 2000. The Constitution must include as a minimum: standing orders, a scheme of delegations and the code of conduct for Councillors.
- 7.2 A comprehensive and functional constitution is the critical foundation for good governance throughout the Council and underpins the democratic decision-

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making process. The adoption of the Constitution is a function reserved to the Full Council.

**8.0 EQUALITY & HEALTH IMPLICATIONS**

8.1 There are no equality and health implications associated with adopting a revised constitution.

**9.0 ENVIRONMENT & CLIMATE IMPLICATIONS**

9.1 There are no environment and climate implications associated with adopting a revised constitution.

**10.0 ECONOMIC IMPLICATIONS**

10.1 There are no economic implications associated with adopting a revised constitution.

**REPORT AUTHOR:**

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**APPENDICES**

Appendix A – Proposed Rochford District Council Constitution (electronic copy)

**BACKGROUND PAPERS**

None

**SUBJECT HISTORY (last 3 years)**

| <b>Council Meeting</b>  | <b>Date</b>  |
|---|--------------|
| Full Council – Item 16: Adoption of the Committee Style of Governance | 23 May 2023  |
| Full Council – Item 8: Appointment of the Constitution Working Group  | 28 June 2023 |

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| Full Council – Item 7: Proposed Committee Structure | 13 December 2023 |
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