

# **Executive Committee**

## **15 December 2016**

### **New WDDC Constitution**

#### **For Decision**

##### **Portfolio Holder(s)**

Councillor Peter Barrowcliff

##### **Senior Leadership Team Contact:**

S Caundle, Assistant Chief Executive

##### **Report Author:**

R Firth - Corporate Manager - Legal

##### **Statutory Authority**

Local Government Acts 1972; 2000

#### **Purpose of Report**

- 1 To enable Members to consider various initial key principles identified by the three informal Member constitutional workshops

#### **Officer Recommendations**

- 2 That Members note the principles considered and recommend to Full Council the approaches so far being adopted in relation to rewriting the West Dorset Constitution.

#### **Reason for Decision**

- 3 To keep Members informed of progress regarding the rewriting of the West Dorset Constitution and to enable them to confirm the approaches so far considered.

#### **Background and Reason Decision Needed**

- 4 Members will be aware that following a referendum decision earlier this year the Council will cease to operate executive arrangements in the Spring of 2017 and adopt a Committee model. This change requires the Council to adopt a new Constitution.
5. In order to progress the creation of the new model, Members have already held a "42 event" to consider the outcomes of a questionnaire produced by the leader and have now held three workshops to consider various principles relating to the constitutional change.
6. Set out in Appendix 1 is a summary of some of the key principles endorsed by Members who participated in the workshops.

7. Over the next few months the Constitution document will continue to be updated at the end of which there will be a final opportunity to further refine the Constitutional document prior to its ultimate adoption by Full Council.

## **Implications**

### **Corporate Plan**

8. The move to new governance arrangements and the creation of a revised Constitution both link to the general objectives of creating a leaner and more focused organisation which is shaped and focused on the needs of the Council's customers.

### **Financial**

9. None directly associated with the recommendations in the report. In house resource is currently being used to rewrite the Constitution. Depending on workload requirements it remains possible that external resource will need to be funded to complete any work cannot be finished in time. This will be kept under review.

### **Equalities**

10. None of the principles so far considered have been identified as giving rise to equality issues. However this will be kept under review as the development of the Constitution continues.

### **Risk Management (including Health & Safety)**

11. There remains a limited amount of time for work relating to the Constitution to be finalised. If Council seeks to materially depart from a draft final version prior to its adoption this could create significant issues in ensuring the production of a completed Constitution within the appropriate timescales. The limited time available also restricts the amount of research and checking that can be done for the purposes of producing a Constitution. To the extent that any issues were identified subsequent to its adoption there is of course nothing to prevent further tweaking at that time.

The workshops have undertaken a lot of work considering various issues relating to the principles identified; such work has included consideration of various risks associated with these matters. For that reason, unless Members otherwise require, this report does not seek to repeat such exercises now. In any event, as identified above, there will always remain scope to revisit changes to the Constitution even following adoption should it subsequently be considered necessary.

### **Human Resources**

12. See Financial and Risk Management comments above

### **Consultation and Engagement**

13. Details relating to consultation and engagement are set out in the main body of this report.

### **Appendices**

Appendix 1 – summary of various key principles considered by workshops

## **Background Papers**

None save relevant legislation and existing Constitutions of the Dorset Councils Partnership

## **Footnote**

Issues relating to financial, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

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## **Appendix 1**

### **Summary of various principles considered by Workshops**

#### **Article 4 – Full Council (FC)**

1. Retain existing Policy Documents for decision by Full Council save for relevant statutory changes
2. Full Council to appoint Chairman and Vice Chairman of Strategy Committee who will also be known as Leader and Deputy Leader

#### **Article 6 – Overview and Scrutiny Committee (O&S)**

1. Retain a single O&S Committee.
2. O&S to have 17 members
3. Keep quorum at 4
4. Exclude Strategy Committee members from sitting on O&S
5. O&S members to have same rights to attend Strategy Committee as other members
6. O&S to have 6 ordinary meetings a year unless FC determine otherwise
7. No scope to exist to appoint substitutes
8. Sub-Committee quorum to be minimum of three.

#### **Article 7 – Strategy Committee (SC)**

1. SC to have power to carry out all Council functions other than those reserved to FC or delegated to another committee
2. SC to have 9 members with quorum of 5.
3. No scope to exist to appoint substitutes
4. SC to have power to create sub-committees
5. SC to have same ordinary meetings as now unless FC determine otherwise
6. Have section that identifies powers and duties of Portfolio Holders
7. SC to create portfolios and allocate portfolio holders to those portfolios

#### **Council Procedure Rules**

1. Have sections which give scope for members of the public to put forward questions, statements, petitions and deputations
2. Annual Council order of business to also include scope for questions, statements, petitions and deputations.
3. Rules to contain clear provisions to enable Members to submit on-notice questions and motions/issues subject to appropriate restrictions.
4. Include provisions for each committee to present an annual update
5. Number of questions Members can ask of various specific areas as of right generally limited to 2 plus certain supplemental questions
6. Maximum of 3 questions /statements from public per meeting
7. Provisions to be incorporated for Portfolio Holder / Leader to present regular reports to which questions can be asked
8. No provisions to be included for Chairman / Vice-Chairman of Council or the Leader to speak as of right at any committee.
9. Incorporate Petition Scheme.

## **Strategy Committee Procedure Rules**

1. Maintain Forward Plan but no need for any other further type of Action Plan
2. Provisions in Council Procedure Rules to place items on SC fine together with scope for members to ask the Chairman of SC to also consider placing additional items on.
3. Maintain a Key Decision provision which can apply to SC decisions and various Officer decisions as well (see Access to Information Procedure Rules)
4. In relation to both the Forward Plan and Key Decisions incorporate appropriate provisions relating to urgent decisions and other caveats to secure appropriate legal protections for the Council

## **Access to Information Procedure Rules**

1. No need for provision for Annual Report on urgent key decisions
2. Identify rights of O&S to access various documents / reports
3. Incorporate publicity protocol
4. Incorporate provisions that follow government guidance regarding the production of decision records

## **Overview and Scrutiny Procedure Rules**

1. Incorporate Call In procedure Rules to supplement statutory powers of O&S
2. Call in rule to apply to decisions of both SC and its sub-committees
3. Call in rule to provide scope for (a) Chairman; (b) O&S; (c) 10 non Members of OS (who are also not all from the same political party) to require the Chairman to call in a decision.
4. Call in rule to incorporate appropriate provisions relating to urgent decisions and other caveats to secure appropriate legal protections for the Council

## **Budget and Policy Procedure Rules**

1. Incorporate appropriate indicative timetabling provisions including scope for SC to potentially revisit decision of FC regarding annual budget issues.
2. Incorporate appropriate provisions / caveats to secure appropriate legal protections for the Council in the event of need to deviate from indicative procedures.

## **Other**

### **Audit and governance**

1. Audit and Governance Chairman to be from different party to majority political party of Council
2. Retain sovereign Audit and Governance Committee – do not have joint Audit and Governance Committee