

Subject:	Proposed methodology for the 12 month review of the constitution		
Date of Meeting:	7 July 2009		
Report of:	Acting Director of Strategy and Governance		
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Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The report seeks the agreement of the Committee to the proposed approach and timescale for the 12 month review of the constitution.

2. RECOMMENDATIONS:

- (1) That the Committee approves the steps and timescale for the 12 month review of the constitution set out at paragraph 3.5 and 3.6 of the report.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Council's constitution was adopted on 24th April 2008 and came into force at the conclusion of annual council on 15th May 2008. The statutory guidance requires the Council to keep its constitution under review at appropriate intervals and at its meeting on 24th April the Council resolved to review the impact of the constitution after 6 months and 12 months of operation.
- 3.2 The Governance Committee oversaw the process for the 6 month review which concluded in March 2009. At its meeting on 10th March 2009 the Committee agreed to recommend to Cabinet and Full Council a number of proposals to improve and enhance the effectiveness of the Constitution. These were approved and implemented in May 2009.
- 3.3 As part of the 6 month review, an article was placed in City News inviting responses. Questionnaires were sent out to community representatives, Members and officers. Questionnaire packs were also placed in libraries and other public buildings and the material was placed on the Council's website.
- 3.4 From the responses received, a number of themes were identified and actions proposed. These included the following areas:-

- The extension of speaking rights and a seat at the table at Cabinet and Cabinet Member meetings to the Leader/Convenor of all opposition parties;
- Clarifying the procedure for special meetings;
- Adding Community Affairs and Inclusion as an item on the Cabinet agenda at least every 6 months;
- Improvements and guidance regarding Notices of Motion, Member and public questions at Council meetings;
- A request for a review of best practice in Overview and Scrutiny
- Changes to delegations and other technical amendments.

3.5 Some issues were identified at the six month stage that were considered to need more input before taking them forward and these will be revisited as part of the 12 month review. For example:-

- a more in depth review of Overview and Scrutiny arrangements was requested which will include benchmarking with other authorities;
- a request from the public regarding neighbourhood forums or area committees was also requested to be considered at the 12 month stage;
- Members agreed to set up a cross party working group to look at Member involvement in equalities issues and for the outcome of this work to feed into the 12 month review;
- some of those consulted at the six month stage felt it was too early to comment on the new constitution but requested a dialogue at the 12 month stage, for example the Brighton & Hove Federation of Disabled People and the PCT.

3.6 **Proposed methodology of the 12 month review**

The 12 month review is intended to look further at the working of the constitution and how it can be improved. The constitution has had longer to bed down and therefore it is anticipated that there will be more feedback on what can and should change. The proposal for the 12 month review is to adopt a four pronged strategy as follows:-

3.7 **Members**

As the democratically elected representatives of the public, Members are at the heart of the decision-making process and well placed to judge how effective the constitutional arrangements are. Every Member of the Council will receive a questionnaire asking for comments on specific issues and also allowing the

opportunity for more general feedback. Each Group will also be offered the opportunity of a feedback session at a Group meeting where issues can be collated. It is felt that this latter approach worked particularly well for the 6 month review.

3.8 Officers

Senior officers will receive a survey which, as with Members, will reflect their direct experience and familiarity with the constitution.

Both officers and Members have been encouraged to raise issues regarding the constitution at any time and any of these can also be incorporated into the review.

3.9 Residents

It is proposed to use a variety of means to gain feedback from residents on the operation of the constitution through the following mechanisms:-

- (a) An article in City News asking for comments;
- (b) A publication on the Council's website which gives people the opportunity to comment and complete a questionnaire online;
- (c) In September 2009 approximately 1800 people on the Citizens Panel will be mailed a questionnaire with questions similar to those used for the six month review.

3.10 Community Representatives

As part of this review, there will be involvement and feedback from community representatives. This will involve approaching a number of representative organisations, including:-

- Members of the Local Strategic Partnership;
- Brighton & Hove Chamber of Commerce;
- Brighton & Hove Federation of Disabled People;
- Black Minority Ethnic and Community Partnership
- Spectrum
- Interfaith Contact Group
- Brighton & Hove City PCT
- Brighton & Hove Arts Commission
- The Older People's Council
- The Youth Council
- Rottingdean Parish Council
- The Community Inclusion Partnership
- The Community and Voluntary Sector Forum

Many of these groups responded at the 6 month stage and requested further involvement in the next stage of the review.

There will also be direct consultation with other community organisations and community representatives, from across the city. These will be identified by the Committee Chairman and the Analysis and Research Team.

3.11 **Timescale for the review**

If the recommendations in this report are agreed, it is proposed (by way of an indicative timetable) to proceed as follows:-

- 7th July 2009 - methodology for the review agreed at Governance Committee;
- July 2009 - City News article published and information made available on the Council's website, inviting comments;
- July to September 2009 - involvement of community representatives
- September 2009 – survey to go out to Members and officers and offer to Groups for a feedback session at a Group meeting;
- September 2009 – Citizens Panel questionnaires to be sent out;
- 17th November 2009 – report to Governance Committee with the outcome of the review and recommendations.

4. **CONSULTATION**

- 4.1 Members of the Committee are requested to give their comments on the proposal for the review as set out in the report.

5. **FINANCIAL & OTHER IMPLICATIONS:**

Financial Implications:

- 5.1 The costs of the 12 month review are not expected to exceed £4,500 and will need to be met within the existing budget. The financial impact of the recommendations arising from the review will be assessed when outcomes are reported back to the Committee.

Finance Officer consulted: Anne Silley Date 25th June 2009

Legal Implications:

- 5.2 There are no legal implications arising from this report.

Lawyer consulted:

Elizabeth Culbert

Date: 23rd June 2009

Equalities Implications:

- 5.3 Measures will be taken to include under-represented and hard to reach groups in the consultation exercise, Documentation will be made available in other formats as required, such as large print or translated into other languages. When selecting community groups to directly consult with, steps will be taken to identify under-represented and hard to reach groups.

Sustainability Implications:

- 5.4 Consideration will be given to sustainable consumption and production at each stage of the review.

Crime & Disorder Implications:

- 5.5 There are no crime and disorder implications arising from this report.

Risk and Opportunity Management Implications:

- 5.6 With public consultation, there is always a risk of a low response rate but this should be mitigated by the measures outlined at 3.9 and 3.10.

Corporate / Citywide Implications:

- 5.7 There are no corporate/citywide implications arising from this report.

SUPPORTING DOCUMENTATION

Appendices:

None

Background Documents

1. Governance Committee report of 10th March 2008 entitled "Six month review of the Constitution".

