

Article 15 – Review and Revision of the Constitution

The Political Management arrangements introduced by the Local Government Act 2000 mark a major change in the operation of local government. The Council has adopted one of the Executive arrangements. Within these overall forms the Council will be adopting particular variants. Constitutional amendment will also be activated if the Council changes from one form of Constitution to another.

Consequently it will be important for the Council to monitor and review its Constitution and to base revisions on the available evidence. This will support a process of learning within the Council, both from its own experience and that of others.

Constitutional review is a local choice activity. It can be on an ad hoc basis – when it seems to be necessary – or as a more systematic process. The ad hoc approach could be triggered by member requests to Council, external feedback (e.g. from the Standards Board or Ombudsman), recommendations of the Statutory Officers or decision of the Council meeting. Alternatively, the Council may place responsibility for monitoring and review of the Constitution with a particular part of the structure. This could include the co-ordinating body for scrutiny, the Monitoring Officer, Head of Paid Service or the Standards Committee.

15.01 Duty to monitor and review the Constitution

The Service Provision Scrutiny Committee will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

15.02 Changes to the Constitution

There is a difference in the process required for change to the Executive arrangements or Alternative arrangements than other aspects of the constitution. Proposals to change from one form of Executive to another require proper consultation, and change from Leader/Cabinet or Alternative arrangements to an Elected Mayor form, or vice versa, requires a referendum. However, other changes may require limited or no consultation. The DETR Guidance makes clear that the consultation required should be proportionate to the scale, scope and extent of the change proposed.

This Article sets out minimum requirements for Constitutional changes, but the Council should be aware that such changes may be prompted not from internal reviews and evaluation of their governance, but from changes in public opinion triggering a Mayoral referendum.

The Council has adopted procedural rules to ensure that individual members have a clear procedure when they wish to propose to Council that the Constitution is changed.

- (a) **Approval.** Changes to the Constitution will only be approved by the full Council after consideration of the proposal by the Service Provision Scrutiny Committee.

- (b) **Change from a Leader and Cabinet form of Executive to Alternative arrangements.** The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.