



<b>Signed off by</b>	Mari Roberts Wood Managing Director
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<b>To</b>	Council
<b>Date</b>	Thursday, 9 February 2023
<b>Executive Member</b>	Deputy Leader and Portfolio Holder for Finance and Governance

<b>Key Decision Required</b>	N
<b>Wards Affected</b>	(All Wards);

<b>Subject</b>	Constitution update: Governance Task Group
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<b>Recommendation</b>
(i) To note the Executive decision to disband the Governance Task Group and to delegate authority to the Monitoring Officer to make the required changes to the Constitution to reflect this.
<b>Reasons for Recommendations</b>
The Executive reached agreement on 17 November, for the Governance Task Group to be disbanded, having achieved the original purpose for which it was established. An updated Constitution provides certainty of officer decision making roles and responsibilities. This report enables the administrative updating of the Constitution.
<b>Executive Summary</b>
In December 2018, the Leader of the Council established a cross-party Task Group to review a range of governance issues to ensure the Council's Constitution provides a full and effective framework for the Council's decision-making structures. The Task Group's detailed review of the Constitution was reported to the Executive in March 2019 with Council agreeing the recommendations made in April 2019.

**The above recommendation is subject to approval by Full Council**

### **Statutory Powers**

1. Express powers of delegation are found in sections 101-102 of the Local Government Act 1972 and, in relation to executive functions, in sections 9E-9EB of the Local Government Act 2000. Local authority schemes of delegation are published pursuant to section 100G of the 1972 Act.
2. A local authority is under a duty to prepare and keep up to date its Constitution under s.9P Local Government Act 2000 as amended.

### **Background**

3. Organisational and regulatory change impacts on the Council's constitution, requiring frequent review and adjustment to ensure that it is maintained, and offers certainty to Members, Officers and the Public.

### **Key Information**

4. Article 15 of the Constitution sets out that changes to the Constitution will only be approved by the Full Council (by way of recommendation or direct report), subject to the Monitoring Officer agreeing with the proposed changes. Provision 13.3.1 of the Constitution states that the Monitoring Officer will maintain an up-to-date version of the Constitution.
5. The Monitoring Officer agrees with the recommendation.
6. The Task Group was established for a time-limited duration specifically to review certain areas of the Constitution and related governance issues. Now that this has been fulfilled it is intended to disband the Task Group as originally intended and for consideration of any arising governance related issues to be addressed through the Group Leaders' meeting structure.
7. Following the completion of the Task Group's comprehensive review of the Constitution conducted in 2018/19, a standing Task Group is not necessary. Governance related issues arise on an ad hoc basis. Therefore, having a standing Task Group is not an effective use of the Council's resources when any arising governance issues can be well addressed through Group Leaders'. It has been confirmed that there is capacity within Group Leaders' meetings to accommodate the additional business.
8. The Monitoring Officer reviewed the Constitution in 2021 and more recently in 2022 in consultation with Members and will continue to periodically review and update the Constitution in consultation with Group Leaders and officers.

<b>Legal Implications</b>
9. This report enables the discharge of the statutory duty to maintain the Constitution of the Council. Certainty of decision-making roles is fundamental to good governance
<b>Financial Implications</b>
10. There are no financial implications for this report.
<b>Equalities Implications</b>
11. Equality Objective 4 2020-2025 sets out that “ <i>equality considerations are clearly presented as part of the Council’s formal decision-making process</i> ” – the Constitution enables the Head of Corporate Policy to oversee the manifestation of the Equality Objectives throughout the decision-making process.
<b>Communication Implications</b>
12. The changes, if adopted will be formatted as necessary into the Constitution and published on the Council’s website.
13. A communications plan will be used to ensure effective communication to officers and members about the changes and implications, including an updated section on the Knowledge (staff intranet) and Modern.Gov (for use by officers and members).
<b>Environmental Sustainability Implications</b>
14. There are no environmental implications for this report.
<b>Risk Management Considerations</b>
15. Strategic Risk 4, <i>Organisational Capacity and Culture</i> , will, in part, be mitigated by an updated Constitution.
<b>Other Implications</b>
16. There are no other implications for this report.
<b>Consultation</b>
17. There has been consultation with Council’s statutory officers, Group Leaders and a report to Executive in November 2022.

<b>Policy Framework</b>
18. The <i>Organisation Priority</i> of the Corporate Plan ' <i>Reigate and Banstead 2020 -2025</i> ' sets out that the Council will operate in an efficient and rigorous way, make the best use of its assets, and consider commercial opportunities. The updated Constitution provides efficiency and certainty of decision-making roles and responsibilities in the delivery of the Corporate Plan Objectives.
<b>Background Powers</b>
1. There are no background papers