

Report to Governance Committee

6 November 2023

Minor revisions to the Constitution

Report by Director of Law and Assurance

Electoral divisions: Not applicable.

Summary

Following recent revisions of Part 2 of the Constitution and the terms of reference of the Regulation, Audit and Accounts Committee, the Director of Law and Assurance has noted an anomaly in sections of the Constitution, which should be addressed.

A change to the procedure for the appointment of a Chairman of the Pension Advisory Board is also proposed in light of the report to the Committee at item 4 on the agenda.

Recommendations

That the County Council be recommended to approve the changes to the Constitution set out in Appendix 1.

Proposal

1 Background and context

- 1.1 Part 2 of the Constitution is a brief introduction to the main areas of political governance at the Council. It summarises who has authority to make changes to different parts of the Constitution.
- 1.2 Approval to change most parts of the Constitution is reserved to the County Council itself, on the recommendation of the Governance or Standards Committees. The Director of Law and Assurance has authority to revise certain parts of the Constitution.
- 1.3 Part 4, Section 2 (Risk Management Procedures), Part 4, Section 3 (Financial Regulations), Part 4, Section 4 (Standing Orders on Procurement and Contracts) are currently for the approval of the Regulation, Audit and Accounts Committee (RAAC) but on the recommendation of the Governance Committee. This duplication between committees appears to be an anomaly as these functions clearly fall within the remit of RAAC rather than the Governance Committee.

2 Proposal details

- 2.1 It is proposed that a change be made to the approvals for Part 4, Sections 2 to 4. It would be consistent with the rest of the Constitution to make the

approval of changes to be the responsibility of the County Council itself, on the recommendation of RAAC.

- 2.2 Another change to the Constitution is proposed in light of the report to the Committee on the appointment of the Chairman of the Pension Advisory Board. If the Committee is minded to agree the proposed process for the appointment of the new Chairman of the Board, as set out at item 4 on the agenda, the consequential updates to the Constitution are attached for recommendation to the County Council.

3 Other options considered (and reasons for not proposing)

- 3.1 The Constitution could be left unamended, but if the Pensions Advisory Board process is agreed in the previous report, then the Constitution would be out of date if this change is not agreed.

4 Consultation, engagement and advice

- 4.1 The Chairman of the Regulation, Audit Accounts Committee has been consulted and is in agreement with the proposals.

5 Finance

- 5.1 There are no revenue or capital finance implications.

6 Risk implications and mitigations

Risk	Mitigating Action (in place or planned)
That the Constitution becomes out of date or inconsistent with practice	Regular review of this nature keeps the Constitution up to date and consistent with practice

7 Policy alignment and compliance

Keeping the Constitution under regular review is aligned to the aim of the Local Government Act 2000 that Constitutions should evolve and be regularly reviewed to ensure that it is a transparent and up to date document.

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Appendices

Appendix 1 - Proposed changes to Constitution.

Background papers

None