

ARUN DISTRICT COUNCIL

REPORT TO A MEETING OF FULL COUNCIL

ON 12 MAY 2021

SUBJECT: Report on transition to Committee Style of Governance

REPORT AUTHOR: Solomon Agutu, Interim Monitoring Officer

DATE: 12 May 2021

EXTN: 37432

PORTFOLIO AREA:

EXECUTIVE SUMMARY:

This is a follow up status report on the progress of transition to the Committee style Constitution and associated matters. It explains that the revision and re-writing of the Constitution is complete and that the new Constitutional document is ready for publication and that at the request of Full Council this report is brought back after Members have been offered a briefing on the new Constitution.

RECOMMENDATIONS:

Full is requested to:

1. Agree that the new Constitution (subject to any minor amendments made at this meeting) is published ready for use at the Annual Council meeting on 19 May 2021.

2. BACKGROUND

This is a follow up report arising from the Full Council resolution of 17 March 2021. The Full Council made a binding statutory resolution on 15 January 2020 (Minute 388) to change its form of governance to a Committee system effective from the Annual Council Meeting on 19 May 2021. The Constitution Working Party was convened to work through the necessary changes to the Council's Constitution and report back to the Full Council. The final report of CWP was presented to Full Council on 17 March 2021.

An officer status report was also presented to Full Council on 17 March 2021. That report explained that the constitutional document was being re written and proof-read and there was programme of Briefing for Officers and Members. A calendar of meetings has already been agreed by Full Council for 2021/2022 Municipal Year. Following consideration of that report Full Council RESOLVED that:

- (1) The completion of the writing of the new Constitution be noted;
- (2) The plans to brief Members on the contents of the new Constitution be noted;
- (3) It be agreed that on completion of the briefing for Members on the new Constitution, it will be submitted to Full Council on 12 May 2021 for publication; and
- (4) It be noted that the next meeting of the Constitution Working Party is scheduled for 28 June 2021.

Briefing for Members took place on 14 and 20 April 2021. 41 Members attended both sessions and 11 had not been able to attend. Full Council is now asked to agree the publication of the Constitution.

3. OPTIONS:

There is a legal requirement for the constitution to be published so there is no option not to publish.

4. CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council	NA	
Relevant District Ward Councillors	NA	
Other groups/persons (please specify)	NA	
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial		NO
Legal	yes	
Human Rights/Equality Impact Assessment	yes	
Community Safety including Section 17 of Crime & Disorder Act		NO
Sustainability	yes	
Asset Management/Property/Land		NO
Technology		
Other (please explain)		

6. IMPLICATIONS:

LEGAL :The Council must publish a new Constitution before the Annual Council Meeting on 19 May 2021 as this is the “relevant change time” (ie the effective date) for moving to a Committee system form of governance defined in the Council’s statutory resolution of 15 January 2020. Whilst the legislation allows the Council to delay the “relevant change time” for introducing its new arrangements, there is no provision to delay this once the date has been resolved. In addition, the Council cannot make a further change to its governance

arrangements for a period of 5 years from the date of its statutory resolution, ie not before 15 January 2025, unless this decision is approved by a referendum.

These provisions are set out in Sections 9L and 9KC of the Local Government Act 2000 (as amended by the Localism Act 2011)

EQUALITIES: Under the public sector equality duty (section 149 Equality Act 2010) the council has a duty to consider the impact of policies on people who share protected characteristics - the review of the constitution considered start and finish times of meetings with a view to not disadvantaging those Members and Staff with caring responsibilities or those Members and Staff who are disabled.

SUSTAINABILITY: In accordance with policy of reducing the use of paper the constitution is to be published on the Council website and no hard (paper) copies are intended to be produced.

7. REASON FOR THE DECISION:

To comply with the decision of Full Council to move to a Committee style of governance and to comply with the legal requirement to publish the Constitution

8. BACKGROUND PAPERS:

The 2021 Constitution - [The 2021 Constitution](#)

