

CONSTITUTIONAL WORKING GROUP - SUMMARY OF CWG'S WORK IN 2023-24 & DRAFT CWG WORK IN 2024-25

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Wards affected:	(All Wards);
Appendices (attached):	None

Summary

This report seeks to provide the following:

1. Summarise the work of the Constitutional Working Group (CWG) in 2023-24;
2. Reconstitute CWG for the municipal year ahead, and
3. Set out the draft work programme for CWG in 2024-25

Recommendation (s)

The Committee is asked to:

- (1) Establish a Constitutional Working Group for this municipal year as set out in paragraph 2.4 of this report to take forward the work of the Standards and Constitution Committee.**
- (2) Approve the draft work programme for CWG to progress in this new municipal year as set out in paragraph 2.4.1 of this report.**
- (3) Agree to reschedule the next meeting of the Standards and Constitution Committee from 5 November 2024 to 30 January 2025.**

1 Reason for Recommendation

- 1.1 Following the success of CWG in progressing the Committee's work throughout the last municipal year, it is proposed that a fresh working group be constituted to support this Committee with its objectives in the municipal year ahead. As with last year, any recommendation by CWG will result in reports back to this Committee at its next meeting, and in turn to Full Council for adoption (as may be necessary).

Standards and Constitution Committee

4 June 2024

2 Background

Work of CWG in 2023-24

- 2.1 CWG had an ambitious work programme that was approved at its June 2023 meeting. This Committee invited CWG to look at:
 - 2.1.1 The councillors' Code of Conduct, and whether the council should: adopt the Local Government Association's (LGA) code of conduct; adopt an amended LGA code of conduct; or update its own code of conduct.
 - 2.1.2 Consider the timings of when people speak at committees, to ensure that these are consistent throughout the Constitution and between committees.
 - 2.1.3 Consider the councillor indemnity scheme, and whether there are any changes that need to be made.
 - 2.1.4 Consider the council's petition scheme and if any changes should be made.
 - 2.1.5 Consider the role of the HR panel.
 - 2.1.6 Complete an equality impact assessment for the different elements of the Constitution and Operating Framework.
 - 2.1.7 Consider any other matters arising from the last Constitution review.
- 2.2 CWG comprised of 5 councillors, the political group leaders of Resident's Association, Liberal Democrat, Labour and Conservative Groups, plus the chair of this Committee.
- 2.3 At this Committee's December 2023 meeting, CWG proposed updates to the Constitution – which includes a recommendation to adopt the LGA Member Code of Conduct as the new [Appendix 1](#) to the Council's Constitution, changes to [Annex 2.5](#) to address providing an indemnity to Members alongside a number of updates to the Constitution. These were all accepted by this Committee with a recommendation to full Council to adopt those changes, which it did at its meeting on 12 December 2023.

CWG Proposed Terms of Reference and Work Programme for 2024-25

- 2.4 The proposed terms of reference for a Standards and Constitution Committee Working Group are:
 - 2.4.1 Consider changes to the Constitution that would:

Standards and Constitution Committee

4 June 2024

2.4.1.1	Explore whether to create a Constitutional Panel to take on the work of CWG from 2025-26 onward rather than needing to reconstitute a working group each new municipal year
2.4.1.2	Explore updates to the current qualifications permitting motions to be brought to full Council
2.4.1.3	Update Annex 4-2 to include delegating authority to the Head of Paid Service and Monitoring Officer in consultation with the Chair and Vice Chair of each Committee or the Mayor and Deputy Mayor (where it concerns full Council), the power to triage public questions
2.4.1.4	Introduce new Standing Orders setting out the disciplinary process against statutory officers
2.4.1.5	Establish a ‘proper officer’s’ list
2.4.1.6	Explore changes to Audit and Scrutiny Committee as a result of the recommendations from the recent LGA Corporate Peer Challenge (CPC)
2.4.1.7	Explore changes to the Protocol for Managing Councillor / Officer Relations Annex 2-4 of the Operating Framework

2.4.2 Consider the matters set out above and make recommendations to the Standards and Constitution Committee, with further recommendations to Full Council for approval as necessary. The list of which items will be discussed first will be agreed at the first meeting of the CWG to be held prior to the end of September 2024.

2.4.3 To work with officers and support their efforts as required and seek input from fellow councillors who are not members of CWG, as to the matters set out in 2.4 above.

2.5 The group will mirror the arrangements from this last municipal year and be a cross party group comprised of 5 councillors, made up of 4 councillors drawn from the political group leaders of Resident’s Association, Liberal Democrat, Labour and Conservative Groups, plus the Chair and Vice Chair of Standards and Constitution committee. The Chair of this Committee shall chair CWG and shall attend in her capacity as a political group leader. Substitutes would be permitted if a member could not attend, their substitute must be from their same political group.

Standards and Constitution Committee

4 June 2024

- 2.6 It is important for this Committee to note that the proposed work programme set out in 2.4.1 above reflects the key issues that require attention over the forthcoming weeks and months ahead and shall take up all available officer capacity to deliver. Should a new priority arise or be identified during the course of this new municipal year, the Head of Legal shall in consultation with the Chair and Vice Chair consider whether an item or more of those outlined above would need to be removed from the work programme and dealt with at some later point in time (i.e., no earlier than from May 2025 onward) in order to address any such urgent issue.

Proposal to move the next meeting of this Committee from 5 November 2024 to 30 January 2025 and then the first meeting of this Committee from 3 June 2025 to either 11 or 18 September 2025 and thereafter scheduled meetings of this Committee every September and January cycle

- 2.7 It is noted that with this year's first meeting being held shortly after elections for the Surrey Police and Crime Commissioner on 2 May 2024 and the Council's Annual General Meeting on 14 May 2024, that this leaves little time for officers to prepare for this meeting nor to consult with the incoming Chair and Vice Chair of this Committee prior to the completion of the agenda for this meeting.
- 2.8 By moving the first meeting of this Committee to September each municipal year in the future, it should allow sufficient time for those officers supporting this committee to schedule time to meet and discuss the work programme of this Committee with any Chair and Vice Chair of this Committee so that this report may be better informed by having held those discussions prior to publication of the agenda.
- 2.9 That would then require the November meeting to move back to January each municipal year so as to leave sufficient time between both meeting for either the Committee or any working group reporting to it to liaise with officers to address those issues identified and resolved by this Committee at its first meeting of any new municipal year.
- 2.10 Any changes to reflect this beyond the current approved Calendar of Meetings shall be addressed when the next Calendar of Meeting for 2025-26 is brought to full Council for approval later this year.
- 2.11 This proposed change to when this Committee meets shall be reviewed after an initial full year in place (so by end of January 2026) to see if this revised schedule of meetings supports the work of this Committee.

3 Risk Assessment

Legal or other duties

- 3.1 Equality Impact Assessment

Standards and Constitution Committee

4 June 2024

3.1.1 Not applicable to this report but shall be considered when reporting back to this Committee as to the work of CWG for each of the areas identified in paragraph 2.5 of this report.

3.2 Crime & Disorder

3.2.1 Not applicable.

3.3 Safeguarding

3.3.1 Not applicable.

3.4 Dependencies

3.5 The council's constitution is its primary governance document. Therefore, much of the council's business and operations depends on its contents

3.6 Other

3.6.1 Not applicable.

4 Financial Implications

4.1 **Section 151 Officer's comments:** None arising from the contents of this report.

5 Legal Implications

5.1 **Legal Officer's comments:** None arising from the contents of this report.

6 Policies, Plans & Partnerships

6.1 **Council's Key Priorities:** The following Key Priorities are engaged:

- Effective Council.

6.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.

6.3 **Climate & Environmental Impact of recommendations:** Not applicable

6.4 **Sustainability Policy & Community Safety Implications:** Not applicable

6.5 **Partnerships:** Not applicable

7 Background papers

7.1 The documents referred to in compiling this report are as follows:

- Not applicable