

## Proposed Restructure of the Constitution

To: Constitution and Ethics Committee

Meeting Date: 28 January 2025

From: Service Director of Legal and Governance

Outcome: A constitution that is more accessible and better organised, making it easier to use for Members, officers and members of the public.

Recommendation: The Committee is asked to:

- a) Recommend to Full Council that it approves the proposed restructure of the Council's constitution, as set out in the report and attached at Appendix 3 of this report;
- b) Authorise the Monitoring Officer to take all steps necessary or incidental to implement the changes to the constitution detailed in this report; and
- c) Subject to recommendation (a), note that the Constitution Working Group will assess the impact of the new structure prior to the annual review of the constitution that will be presented to the Constitution and Ethics Committee in September 2025.

Officer contact:

Name: Nick Mills

Post: Democratic Services Officer

Email: [nicholas.mills@cambridgeshire.gov.uk](mailto:nicholas.mills@cambridgeshire.gov.uk)

## 1. Background

- 1.1 The Local Government Act 2000 required local authorities to prepare and maintain a formal constitution for the first time, which must cover a range of specific matters. To support this new requirement, the Department of the Environment, Transport and Regions commissioned the Institute of Local Government Studies at the University of Birmingham to develop a modular constitution. Designed to meet all the necessary statutory requirements for instruments of governance and to include matters traditionally covered by local authorities' standing orders, financial regulations, schemes of delegation and terms of reference, it was subsequently adopted by almost all local authorities, having first been adapted to local circumstances.
- 1.2 The Council adopted its current constitution, based on the modular constitution, on 15 May 2001, and over the following years numerous amendments have been made to reflect changing circumstances or to resolve issues identified by Members and officers.
- 1.3 Initially a printed document that was managed by the Council and made available to the public upon request, the constitution later began to be published on the Council's website in the form of various PDF documents.
- 1.4 As part of the annual review of the constitution presented to the Constitution and Ethics Committee on 13 September 2023, it was agreed for the next review to be an extensive, in depth review of the structure and content of the constitution and to develop it into a more modern and accessible document. A cross-party constitution working group was established to facilitate and support this process.

## 2. Main Issues

### Review of the Current Constitution

- 2.1 A staff survey on the Council's current constitution was carried out during December 2023, with 63 officers providing a range of comments and suggestions on various aspects of the constitution. Most of the responses submitted focused on the structure, language and accessibility of the constitution, as well as how it is maintained and used by staff, rather than specific content itself. The most frequent issues raised related to:
  - The length of the constitution and the number of chapters.
  - The language it is written in (archaic, jargonistic, over-formal, etc.).
  - The confusing structure which makes it hard to know where to find information.
  - The lack of hyperlinks to other sections of the constitution.
  - The need to have multiple tabs open when viewing various sections at once.
  - The difficulty in finding the constitution on the website and intranet.
  - The lack of information about changes made to the constitution.
- 2.2 Such issues with the modular constitution are regularly raised in the local government sector, with changing circumstances, organisation, processes and legislation leaving some of the original version obsolete and out-dated over the two decades following its publication. As a result, newly forming local authorities, such as [Buckinghamshire Council](#), have increasingly been adopting constitutions that are structured and written differently, while

some longstanding authorities, such as [Oxfordshire County Council](#), are also beginning to move away from the modular constitution.

- 2.3 Discussions were held with Monitoring Officers and Democratic Services Officers at other councils that had evolved their constitutions, as well as constitutional experts, to learn from their experience of developing and implementing such constitutions. While they all encouraged a revision of the structure, it was suggested that keeping this separate from a review of the content itself would facilitate the implementation of a base structure from which the more delicate task of reviewing and amending individual sections of the constitution could then take place. Attempts by other authorities to carry out both stages at once had unnecessarily complicated the process and linked widely supported proposals to more contentious issues.
- 2.4 Therefore, following the staff survey, the review of other local authorities' constitutions and discussions with constitutional experts, it was proposed to the Constitution Working Group in March 2024 that the ongoing review focus solely on the structure and presentation of the constitution, rather than the content or text of the constitution itself. The working group supported both this approach and a proposal to draft a revised structure broadly based on Buckinghamshire Council's constitution.

### Proposed New Structure of the Constitution

- 2.5 The revised structure of the constitution, outlined in Appendix 1, incorporates two fundamental changes from the current version, with the incorporation of the Articles into the wider chapters and a reorganisation of the chapters into different sections.
- 2.6 The current Articles contain a large amount of information that is repeated elsewhere in the constitution. Such duplication can cause confusion and uncertainty, while there is a risk that amendments to one section may not be reflected elsewhere, leading to contradictory passages within the document. It is therefore proposed to incorporate the content of the Articles into the remaining chapters of the constitution, removing duplication where it occurs.
- 2.7 It is also proposed to reorganise the remaining chapters to make the document more accessible and easier to navigate. The following seven sections of the revised constitution are based broadly on the subject of their content and who will be reading them:
- A. Introduction
  - B. Public Participation
  - C. Council
  - D. Committees
  - E. Joint Arrangements
  - F. Councillors
  - G. Officers
- 2.7 The relocation of the content of the Articles and the reorganisation of chapters is set out in Appendix 2. A full version of the restructured constitution is attached at Appendix 3.

## Proposed Changes to Content

- 2.8 It is emphasised that this restructuring exercise has explicitly sought to stay away from addressing issues with content that were identified by the review process, or which were pending their own review, in order to separate them from what is essentially a non-substantive reorganisation.
- 2.9 General amendments included in the proposals are:
- Renumbering of chapters and changing all the cross-references to chapters across the constitution, including the incorporation of additional cross-references to aid navigation and understanding of the new structure, and the insertion of hyperlinks.
  - Minor non-substantive changes that fall under the Monitoring Officer's existing delegations, such as corrections to grammar or formatting, changes to officer titles due to organisational restructure, issues identified from previous changes, etc.
- 2.10 Notwithstanding, the following substantive changes are included in the proposals:
- (i) Current Chapter 3B-6 (Highways and Transport Committee) – The sixth section of the delegated authorities table has been separated into two separate sections, because the new formatting does not allow for it to be displayed appropriately as one section. This change is non-substantive but has been highlighted for the avoidance of doubt.
  - (ii) Current Chapter P4-5 Annex-1 (Scheme of Financial Management) – The current Appendix G (template stock certificate) and Appendix J (template fees and charges request form) have both been removed because they do not display properly on the new website version. The forms are available from the Finance team and Camweb (as they always have been), and additional clarification of this fact has been added to the relevant part of the chapter.
  - (iii) Current Chapter 5-1b (Guidance on Gifts and Hospitality) – Template gift and declaration forms are included as Appendix A to this chapter. These have been removed because they do not display properly on the new website version. The forms are available from Democratic Services (as they always have been), and additional clarification of this fact has been added to the relevant part of the chapter.
  - (iv) Current Chapter 3F (Delegations Resulting from Covid-19) – The Monitoring Officer has advised that this chapter should be removed, as it details delegations to officers at other local authorities that were in place during the Covid-19 pandemic, and which are no longer relevant.

## Presentation of the Constitution on the Council's Website

- 2.11 When the constitution was adopted in 2001, paper copies were used by the Council and there was a statutory requirement to make paper copies available to members of the public, if requested. While that statutory requirement remains, technology has now evolved to the point where all 63 officers that responded to the staff survey detailed in Paragraph 2.1 of this report stated that they never used a paper copy and relied solely on digital versions,

mainly through the Council's website. Indeed, because of the publication of the constitution on the website, it is believed that a request for a paper copy has never been received. However, despite this shift in how the constitution is accessed, it is currently presented in the same way as when first published on the website, via a collection of Portable Document Format (PDF) files.

- 2.12 Publishing the constitution in this format is problematic for various reasons:
- (i) PDF files are bad for accessibility, as they can be difficult to navigate (particularly for people with a visual impairment), lack alt text, and are not responsive to different screen sizes (e.g. mobile devices). They also consume additional data usage, as they require a download to be opened.
  - (ii) Unless published as a full version of the constitution, hyperlinks cannot be used to connect between various chapters because amendments require republished versions with different links. Further, it is necessary to have multiple tabs open when viewing multiple chapters at once, due to the inability to link directly between chapters.
- 2.13 While some local authorities have sought to partly address these issues, this review was seen as an opportunity to innovate and fully embed the constitution into the Council's website. To achieve this aim, the Web Content team has supported the development of the constitution section of the website, which is now fully interactive and accessible to users. It should be noted that although the draft restructured constitution can currently be viewed via [this link](#), if it is approved by Full Council the link would cease to work and the constitution would henceforth be accessed via [the current link](#).
- 2.14 Although there are significant benefits to publishing the constitution interactively in this way, PDF versions of individual chapters and the whole constitution will continue to be published on the website as well.

## Future Developments

- 2.15 If the restructured constitution is approved by Full Council on 11 February 2025, the Constitution Working Group will be asked to assess its impact prior to the next annual review of the constitution that will be presented to the Constitution and Ethics Committee in September 2025.
- 2.16 A significant number of issues in the constitution have been identified through the course of this review and these will be addressed following Full Council's consideration of the proposed restructure. The Constitution and Ethics Committee, as well as the Constitution Working Group, will also be asked to suggest specific chapters or sections of the constitution to be reviewed in the coming months.

### 3. Source Documents

3.1 [Local Government Act 2000](#)

3.2 [The Council's Current Constitution](#)

3.3 [The Proposed Restructured Constitution](#)

3.4 [Buckinghamshire Council's Constitution](#)

3.5 [Oxfordshire County Council's Constitution](#)