

Subject:	Proposed Methodology for Review of the Constitution
Date of Meeting:	23 September 2008
Report of:	Director of Strategy & Governance
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Wards Affected:	All

FOR GENERAL RELEASE

1. PURPOSE OF REPORT

- 1.1 To seek the Committee's agreement to proposed methodology for a review of the constitution, including seeking the views of the public and the business community.

2. RECOMMENDATIONS:

- 2.1 That Members agree the strategy for seeking the views of the public and the business community outlined in the report.
- 2.2 Members note that a report with the draft questionnaires will be submitted to the next meeting of the Committee.

3. INFORMATION/BACKGROUND

- 3.1 The Council's constitution was adopted on 24th April 2007 and came into force at the conclusion of annual Council on 15th May. The constitution took the best traditions of the previous system and applied them in an executive setting. Council was anxious to ensure that the constitution is kept under review at appropriate intervals (as required by the Statutory Guidance on Constitutions) and that the views of the public are sought as part of the process. At its meeting on 24th April, it resolved:

“That the newly established Governance Committee undertakes a review of the constitution’s operation gathering the views of the public and the business community through publicity in City News, and surveys conducted via Focus Groups and our website after 6 full months of implementation and a detailed review of its impact after 12 full months and reports its findings and any recommendations to full Council.”

- 3.2 It is clear from the above resolution that what was intended was a light touch review in 6 months followed by a detailed review in 12 months. As part of the review, Council decided that the views of the public and the business community

be sought. In addition to the public and business community, it is proposed to seek the views of Members and Officers who are likely to have a more direct experience and knowledge of the operation of the constitution. Each of these Groups represents a different perspective in terms of their interest and familiarity with the system. The approaches taken need to reflect this. This report outlines proposals for seeking the views of the different groups.

4. The Business Community

4.1 The level of business engagement on Council issues and initiatives has varied in the past and appropriate methods need to be used to approach them and gain their co-operation. Therefore, instead of doing a general survey of all businesses, it is proposed to approach local organisations representing businesses and ask them for their feedback. The organisations to be contacted will include:

- The Local Chamber of Commerce
- The Economic Partnership
- Federation of Small Businesses
- The Local Strategic Partnership

4.2 In order to gain maximum response, it is intended to include a very brief outline of the constitution with a list of up to 5 questions, including an open question for general comments. The introduction and questions, together, should be no more than can be fitted into a double sided A4 paper.

4.3 The questions will most likely address issues reading accessibility of the constitution and meetings, whether they feel the arrangements are open and transparent, the effectiveness of Overview & Scrutiny, whether they feel they have the means to influence or contribute to Council decision-making and a general invitation for comments on how to improve the system. It will be made clear that the consultation is on the decision making framework/process not on whether they agree with decisions taken by the Council.

5. Residents

5.1 Given the diverse level of interests and familiarity with the Council's constitution, it is proposed to use a variety of means to gain feedback on the operation of the constitution through the following means:

- (a) An article in City News;
- (b) A publication on the Council's website which gives people the opportunity to comment online;
- (c) Copies of the introduction and set questions to be placed in local libraries, Area Housing Offices and the reception area of public buildings.

6. Voluntary Organisations

- 6.1 It is proposed to find some ways of enabling voluntary organisations, such as the Community and Voluntary Sector Forum, the Equality Partnership, the Older People's Council and others to feed their comments either as part of the public and business or separately.

7. Members and Officers of the Council

- 7.1 As the democratically elected representatives of the public, Members are at the heart of the decision-making process and well placed to judge how effective the constitutional arrangements are. It is therefore proposed to do a survey of all Members as part of the review of the Constitution. Members will be free to comment either individually or through their groups.
- 7.2 It is also intended to include a survey of Senior Officers in the Council. Members and Officers with their direct experience and familiarity will probably bring a different perspective from that of the public. The methodology used needs to reflect this.

8. What questions do we ask?

- 8.1 The Council's Constitution consists largely of technical rules and procedures that govern the internal workings of the Council. Most people would therefore not necessarily be interested in the details of the Constitution except when faced with a stark choice between two fundamentally different options (such as the choice between an elected Mayor and the Committee System). The public is more likely to be interested in actual decisions that have a direct impact in their lives, such as school admissions, planning decisions or parking restrictions, than the detailed workings of the constitution itself. Any consultation therefore needs to be presented in a way that is likely to attract sufficient attention and response.
- 8.2 If Members are happy with the broad principles set out in this report, it is proposed to develop a list of questions and accompanying publicity using the Council's Communications and Consultation Teams. Once these are prepared they will be submitted to the 18 November meeting of the Committee for final approval.

9. Timing of the Review

- 9.1 The 6 months period expires on 15 November and the gathering of views will be undertaken after that. It is expected that there will be consultation on other issues undertaken in September/October and the days leading to Christmas tend to generate poorer responses than at other times. It is therefore proposed to aim for early January 2009.

10. Associated Costs

- 10.1 The exact costs are difficult to quantify at the moment. Once the full details of the publications, questionnaires etc are established any cost implications will be reported to the November meeting of the Committee.

11. Other Preparations for the Review

- 11.1 The consultation is only one part of the review process. Officers are already collecting issues raised by Members, Officers and the public with a view to feeding them into the 6 months review process. Where issues raise concerns that cannot or should not wait until the review, they are being addressed by taking a report to the appropriate body.
- 11.2 Once all the responses are received, officers will collate and analyse them with a view to reporting to the Governance Committee. At the conclusion of the process the findings will be fed back to those who participated.

12. What Next?

- 12.1 If the proposals in this report are agreed, it is proposed (by way of an indicative timetable) to proceed as follows:

23 September 2008	Review/Consultation Strategy Agreed	Governance Committee
18 November 2008	Final agreement to methodology with Publicity and Questionnaire	Governance Committee
Early January 2009	Information/feedback gathering undertaken	Governance Committee
Early February 2009	Special governance Committee to consider responses and make recommendations	Governance Committee
12 March 2009	Cabinet to consider recommendations and make decisions (if executive) or refer to Council	Cabinet
19 March 2009	Council to consider recommendations of Governance Committee	Council
End of March	Feedback to all who contributed to the information gathering exercise.	

13. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 13.1 The financial implications will be reported to the November committee meeting once details of the review process are finalised.

Finance Officer Consulted: Anne Silley 29-5065 Date: 15/09/08

Legal Implications:

- 13.2 The Statutory Guidance to Council Constitutions provides that they should be a live document and reviewed from time to time. Part of the process for reviewing

the effectiveness, transparency and accountability of the constitution is to consult the public. The proposals in this report are therefore consistent with the Council's obligations under the law and the Guidance on Constitutions.

Lawyer Consulted: Abraham Ghebre-Ghiorghis 29-1500 Date:26 August 2008

Equalities Implications:

- 13.3 There are none arising directly from this report but part of the review will include looking at accessibility of meetings.

Sustainability Implications:

- 13.4 None arising directly from this report.

Crime & Disorder Implications:

- 13.5 None arising directly from this report.

Risk and Opportunity Management Implications:

- 13.6 The exercise will give the Council, residents and businesses the opportunity to improve the working of the constitution.

Corporate / Citywide Implications:

- 13.7 The exercise will contribute to a more effective governance of the City and contribute to the "open and effective City leadership" priority.

