

Article 12 – Review and Revision of the Constitution

*References: Sections 30 and 37, Local Government Act 2000
Chapters 10 and 15, Guidance*

Committee System of Governance

The Localism Act 2011 (the Act) contains provisions that allow local authorities to change from operating executive arrangements to a committee system.

12.01 Procedure to be followed to change governance arrangements

In order to change from a cabinet system to a committee system, local authorities must:-

- Pass a resolution to change their governance arrangements;
- As soon as practicable after passing the resolution, make the provisions of the new arrangements available for inspection;
- Publish in one or more newspapers circulating in the area a notice which describes the features of the new system and timescales for implementation.

Having passed a resolution and complied with the publicity requirements above, authorities are required to cease operating their old form of governance arrangements and start operating their new arrangements. This must take place “at the relevant change time” which, in the case of a move from a cabinet system to a committee system, is defined as:-

- (a) The first annual meeting of the local authority to be held after the resolution to make the change in governance arrangements is passed, or
- (b) a later annual meeting of the local authority specified in that resolution.

The Act also specifies that if the Council passes a resolution under the Act to change governance arrangements, it may not pass another resolution to change from one form of governance to another (e.g. from a committee system back to a leader and cabinet system) for 5 years unless a referendum is held on the issue. Subject to the result of the referendum, the relevant provisions of the Localism Act 2011 would then require to be followed in order to bring the new system into effect.

12.02 Duty to monitor and review the Constitution

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. The Constitution, Ethics and Probity Committee will continue to monitor the effectiveness of the Constitution and decision making structure.

12.03 Changes to the Constitution

- (a) **Approval:**
 - i) Changes to the Constitution will only be approved by the full Council. The Council may if it considers necessary appoint a special committee to make recommendations for that purpose.

- ii) Where the Table of Chief Officers in the Constitution needs to be updated, the Head of Governance may make the necessary changes upon receipt of notification from the Chief Executive that he/she has made changes to these structures following Council or General Functions Committee approval of such changes.
 - iii) Where minor amendments to the Constitution are required, the Monitoring Officer is authorised to make the necessary changes following consultation with the Chairman of the Constitution, Ethics and Probity Committee.
- (b) **Change to a mayoral form of Executive.** The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals and must hold a binding referendum.
- (c) **Change to a Leader and Cabinet form of governance.** If the Council intends to change the form of governance to a Leader and Cabinet form of governance within 5 years of 21st January 2014, then it must have held a referendum before passing the necessary resolution.