

EAST STAFFORDSHIRE BOROUGH COUNCIL

REPORT COVER SHEET

Title of Report:	Approval of the Council's Constitution
Meeting of:	Council
Date:	17 th May 2019
Is this an Executive Decision:	NO
Is this a Key Decision:	NO
Is the report Confidential:	NO
If so, please state relevant paragraph from Schedule 12A LGA 1972:	n/a
Essential Signatories: ALL REPORTS MUST BE IN THE NAME OF A HEAD OF SERVICE Monitoring Officer: Angela Wakefield Chief Finance Officer: Sal Khan	

EAST STAFFORDSHIRE BOROUGH COUNCIL

Report to Council

Date: 17th May 2019

TITLE:	Constitution Update	
PORTFOLIO:	Leader of the Council	
HEAD OF SERVICE:	Monitoring Officer	
CONTACT OFFICER:	Angela Wakefield	ext. No. x1267
WARD(S) AFFECTED:	None	

1. Purpose of the Report

1.1 For the Council to note and approve changes to the Council's Constitution.

2. Background

2.1 The Council is required to review its constitution regularly.

2.2 This report brings forward the latest proposals for changes.

3. Contribution to Corporate Priorities

3.1 This report does not directly contribute to Corporate Priorities but the Council's Constitution is an important document in enabling the Council to implement the Corporate Plan.

4. Proposed Changes to the Constitution

- 4.1 Part 3H (Planning Committee) – Amend paragraph 3.10 to read “The Councillor chairing the meeting must ensure that all aspects of the site visit are run in a fair and orderly manner.”
- 4.2 Part 5A (Code of Conduct for Councillors) – Amend paragraph 3.7 on confidential information to clarify the provisions on permitted disclosure.
- 4.3 5C (Protocol for Councillor/Officer Relations) – Amend to include a new paragraph 6.3 reflecting the fact that timescales for responding to requests for information apply equally to Officers and Councillors alike.
- 4.4 5E (Planning Code of Good Practice for Councillors) – Amend paragraph 9.1 to read “The Code of Conduct for Councillors and this Code of Good Practice apply to all aspects of the site visit, including the time spent on the Committee coach when travelling to and from application sites.

5. Re-adoption of Constitution

The Council is recommended to re-adopt the whole Constitution on an annual basis. The proposed new Constitution, with the changes outlined above, is available electronically by using the link at the Appendix to this Report.

6. Financial Considerations

This section has been approved by the following member of Financial Management Unit: Lisa Turner.

- 6.1 There are no financial issues arising from this Report.

7. Risk Assessment and Management

- 7.1 The main risks to this Report and the Council achieving its objectives are as follows.
- 7.2 Positive (Opportunities/Benefits):
 - 7.2.1 Improvements to the Council’s Constitution should help the Council to maintain good governance arrangements.
- 7.3 Negative (Threats)
 - 7.3.1 Failure to review the Council’s Constitution will lead to it becoming increasingly out of date. This may mean that it ceases to be fit for purpose. Also, it increases the risk of decisions being successfully challenged on procedural grounds.
- 7.4 The risks do not need to be entered in the Risk Register. Any financial implications to mitigate against these risks are considered above.

8. Legal Considerations

This section has been approved by the following member of the Legal Team: Angela Wakefield.

- 8.1 Section 37 of the Local Government Act 2000 requires the Council to keep up to date and publicise its Constitution.
- 8.2 This report takes into account all relevant legal considerations and has been prepared by the Monitoring Officer.

9. Equality and Health

- 9.1 **Equality impacts:** The subject of this Report is not a policy, strategy, function or service that is new or being revised. An equality and health impact assessment is not required.

Health impacts: The outcome of the health screening question does not require a full Health Impact Assessment to be completed. An equality and health impact assessment is not required.

10. Human Rights

- 10.1 There are no Human Rights issues arising from this Report.

11. Sustainability (including climate change & change adaptation measures)

- 11.1 Does the proposal result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures) N/A

12. Recommendations

- 12.1 That the Council approve the amendments to Parts 3H, 5A, 5C and 5E as detailed at paragraph 4 above.
- 12.2 That the Council adopt the Constitution set out in the Appendix with immediate effect.

13. Background papers

- 13.1 None.

14. Appendices

Appendix: Constitution 2019

Please use this link in order to view the draft Constitution for approval:-

<http://www.eaststaffsbc.gov.uk/council-democracy/committees/Council/2019-05-17-000000>