

EAST STAFFORDSHIRE BOROUGH COUNCIL

REPORT COVER SHEET

Title of Report:	Approval of the Council's Constitution
Meeting of:	Council
Date:	21 st December 2020
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: 21st December 2020

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 3Ca (Leader and Deputy Leaders' Responsibilities) - amend section 2 and section 4 to reflect the revised portfolios for the Deputy Leader (Leisure, Amenities and Tourism) and the Deputy Leader (Community and Regulatory Services) respectively.

5. Re-adoption of Constitution

The Council is recommended to re-adopt the whole Constitution on an annual basis. Members are asked to re-adopt the Constitution in the form currently available to view on the Council's website via the following link <http://www.eaststaffsbc.gov.uk/council-democracy/constitution> subject to the changes to Part 3Ca referred to at paragraph 4.1 above.

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 Regular review of 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7.3.1 Failure to review the Council's Constitution will lead to it becoming increasingly out of date.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 Part 3Ca as detailed at paragraph 4 above.

12.2 That the Council re-adopt the Constitution set out in the Appendix with immediate effect.

13. Background papers

13.1 None.

14. Appendices

Appendix 1: Proposed Part 3Ca