



EAST STAFFORDSHIRE BOROUGH COUNCIL

REPORT COVER SHEET

Title of Report:	Approval of the Constitution	To be marked with an 'X' by Democratic Services after report has been presented
Meeting of:	Corporate Management Team [DATE]	
	Leader and Deputy Leaders 24 th January 2022	x
	Leader's / Leader of the Opposition's Advisory Group / Independent Alliance Advisory Group 2 nd / 3 rd February 2022	x
	Council 28 th Feb 2022	



Is this an Executive Decision:	NO	Is this a Key Decision:	NO
Is this in the Forward Plan:	NO	Is the Report Confidential: If so, please state relevant paragraph from Schedule 12A LGA 1972:	NO N/A

Essential Signatories:

ALL REPORTS MUST BE IN THE NAME OF A HEAD OF SERVICE

Interim Monitoring Officer: **Chris Eberley**

Date Signature

Chief Finance Officer: **Sal Khan**

Date Signature

EAST STAFFORDSHIRE BOROUGH COUNCIL

Report to Council

Date: Monday 28th February

REPORT TITLE: Approval of Changes to the Constitution

PORTFOLIO: N/A

HEAD OF SERVICE: Interim Monitoring Officer

CONTACT OFFICER: Chris Ebberley

WARD(S) AFFECTED: ALL

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. At the meeting on the 13th December 2021, Council agreed recommendations to make changes to several committees.

2.3. This report brings forward the latest proposals for changes.

2.4. The December Council also agreed that the Freedom of the Borough and Alderman procedures be clarified as part of the next update to the Constitution. As previously documented elsewhere, the Council is currently undertaking a full review of the Constitution. This is scheduled to be completed during quarter one of 2022/23. In order to facilitate this, the current procedure for appointing honorary positions is included at Appendix 10.

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. At the meeting on the 13th December, Council agreed the following changes:
- 4.1.1. That the membership of the Planning Committee be reduced from 15 to 11 Members;
 - 4.1.2. That the membership of the Licensing Committee be reduced from 15 to 11 Members;
 - 4.1.3. That the Licensing Committee meeting timings be moved to the evening;
 - 4.1.4. That a standalone Audit Committee be created, consisting of 8 Members and 2 independent Members;
 - 4.1.5. That the number of Scrutiny Committees be increased to 3;
 - 4.1.6. That the membership of scrutiny committees be reduced from 16 to 8 Members;
 - 4.1.7. That the Senior Officer Employment Committee be renamed as the Chief Officer Standards Committee; and
 - 4.1.8. That an additional meeting of the Council be added to the Council calendar in September from the 2022 municipal year onwards.
 - 4.1.9. That the changes above be implemented with effect from the new municipal year i.e. 13 May 2022
 - 4.1.10 That a further report be brought to the next meeting of Council with the relevant changes to the Constitution, including setting out detailed Terms of Reference for the new Scrutiny and Audit Committees.
- 4.2. As such, the relevant 'Terms of Reference' for the above committees have been amended. In addition, a summary of responsibilities for each of the Scrutiny Committees has been inserted into the corresponding terms of reference.

5. Financial Considerations

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

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

6. Risk Assessment and Management

6.1. The main risks to this Report and the Council achieving its objectives are as follows:

6.2. **Positive** (Opportunities/Benefits):

6.2.1. Improvements to the Council's Constitution should help the Council to maintain good governance arrangements.

6.3. **Negative** (Threats):

6.3.1. 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.

6.4. The risks do not need to be entered in the Risk Register. Any financial implications to mitigate against these risks are considered above.

7. Legal Considerations

*This section has been approved by the following member of the Legal Team:
Caroline Elwood.*

7.1. Any changes to the Council's constitutional arrangements, including the creation of new committees, or changes to the current membership arrangements requires the approval of full Council.

7.2. This report takes into account all relevant legal considerations and has been prepared by the Monitoring Officer.

8. Equalities and Health

8.1. **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 / attached as Appendix.

8.2. **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.

9. Human Rights

9.1. There are no Human Rights issues arising from this Report.

10. **Sustainability** (including climate change and change adaptation measures)

10.1. Does the proposal result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures) No

11. **Recommendation(s)**

11.1. That the Council approve the amended Terms of Reference and Procedure Rules set out in the Appendices to the report and agrees to update and amend the Constitution with effect from 13 May 2022.

12. **Background Papers**

12.1. Review of Committees Report to Council 13.12.21

13. **Appendices**

13.1. Appendix 1: 3A Council Meeting Rules of Procedure Feb 2022 Draft

13.2. Appendix 2: 3Ea Audit Committee Feb 2022 Draft

13.3. Appendix 3: 3G Licensing Committee Feb 2022 Draft

13.4. Appendix 4: 3H Planning Committee Feb 2022 Draft

13.5. Appendix 5: 3Ia Scrutiny (Value for Money Council Services) Committee Feb 2022 Draft

13.6. Appendix 6: 3Ib Scrutiny (Community Regeneration) Committee Feb 2022 Draft

13.7. Appendix 7: 3Ic Scrutiny (Environment and Health & Wellbeing) Committee Feb 2022 Draft

13.8. Appendix 8: 3J Chief Officer Standards Committee Feb 2022 Draft

13.9. Appendix 9: Part 2 Articles Feb 2022 Draft

13.10. Appendix 10: Overview of how Freedom of the Borough and Aldermen are nominated and then appointed.