

## EAST STAFFORDSHIRE BOROUGH COUNCIL

### REPORT COVER SHEET

Title of Report:	Approval of the Council's Constitution
Meeting of:	Council
Date:	20 <sup>th</sup> June 2016
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
<p><b>Essential Signatories:</b></p> <p><b>ALL REPORTS MUST BE IN THE NAME OF A HEAD OF SERVICE</b></p> <p>Monitoring Officer: <b>Angela Wakefield</b></p> <p>Chief Finance Officer: <b>Sal Khan</b></p>	



**EAST STAFFORDSHIRE BOROUGH COUNCIL**

Report to Council

Date: 20<sup>th</sup> June 2016

<b>TITLE:</b>	Constitution Update	
<b>PORTFOLIO:</b>	Leader of the Council	
<b>HEAD OF SERVICE:</b>	Monitoring Officer	
<b>CONTACT OFFICER:</b>	Angela Wakefield	ext. No. x1267
<b>WARD(S) AFFECTED:</b>	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 Some minor changes are proposed to the Constitution. First, Part 3Ca has been amended to reflect the changes to Deputy Leaders' portfolios reported by the Leader at the Annual Council Meeting on 13<sup>th</sup> May 2016.
- 4.2 Secondly, in Part 3D (Appeals Panel) it is proposed to amend Appendix 1 (the Hearing Procedure) to include a Timetable for lodging an appeal against dismissal - specifying

the potential grounds for appeal, the time limits to be adhered to and the documents to be lodged. Those matters are already contained in the Council's Capability and Disciplinary Procedure and it is thought prudent to include them in the Constitution for the sake of clarity. In addition, the Timetable makes clear the deadline by which an Appeal Panel must be convened in each case.

## **5. Re-adoption of Constitution**

The Council is recommended to re-adopt the whole Constitution on an annual basis. The new Constitution, with the minor changes outlined above, is available electronically by following the hyperlink at Appendix 1 of 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 adopt the Constitution set out in the Appendix with immediate effect.

**13. Background papers**

13.1 None.

**14. Appendix**

**Please follow this link and click on “Documents” in order to view the draft Constitution for approval:-**

<http://www.eaststaffsbc.gov.uk/council-democracy/committees/Council/2016-06-20-000000>