

EAST STAFFORDSHIRE BOROUGH COUNCIL

REPORT COVER SHEET

Title of Report:	Approval of the Council's Constitution
Meeting of:	Council
Date:	19 th May 2017
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: 19th May 2017

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 2 (Articles), paragraph 15.6 – delete the requirement for the Monitoring Officer to give Members a printed copy of the Constitution. Include a requirement for the Monitoring Officer to ensure that all Members have access to an electronic copy of the Constitution.

4.2 Part 3E (Functions and Procedures of the Audit Committee) – insert a new paragraph 1.17 to clarify that part of the Committee's role is to review and approve the Annual

Governance Statement, in accordance with Regulation 6 of the Audit and Accounts Regulations 2015.

- 4.3 Part 4D (Contract Procedure Rules) – update the minor alterations shown in tracked changes at the Appendix to this report.
- 4.4 Part 4H (Financial Regulations) – minor updates shown in tracked changes, to update references to legislations; and to clarify officer responsibility.
- 4.5 At a meeting of Standards Committee on 20th March 2017, Committee Members resolved to recommend that Council adopts changes to Part 5A (Code of Conduct for Councillors) in order to and Part 5G (Social Media Policy for Councillors).
- 4.6 As far as Part 5A is concerned, the recommendation is to extend the scope of the Code to include the Mayor’s Consort/Mayoress and the Deputy Mayor’s Consort/Deputy Mayoress whenever they accompany the Mayor or deputy Mayor respectively to official engagements. The proposed amendment is shown in tracked changes at paragraph 1.3.2 of Part 5A.
- 4.7 As far as Part 5G is concerned, Standards Committee recommend prohibiting the inclusion of “Councillor” or “Cllr” in the username on any social media account. The proposed amendment is shown in tracked changes at at paragraph 5.2 of Part 5G.

5. Re-adoption of Constitution

The Council is recommended to re-adopt the whole Constitution on an annual basis. The new Constitution, with the 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 accept the recommendations of Standards Committee to amend Part 5A and Part 5G as detailed at paragraphs 4.5 to 4.7 above.
- 12.2 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/2017-05-19-000000](http://www.eaststaffsbc.gov.uk/council-democracy/committees/council/2017-05-19-000000)