

## EAST STAFFORDSHIRE BOROUGH COUNCIL

### REPORT COVER SHEET

Title of Report:	Approval of the Council's Constitution
Meeting of:	Council
Date:	18 <sup>th</sup> May 2018
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
<b>Essential Signatories:</b>  <b>ALL REPORTS MUST BE IN THE NAME OF A HEAD OF SERVICE</b>  Monitoring Officer: <b>Angela Wakefield</b>  Chief Finance Officer: <b>Sal Khan</b>	



**EAST STAFFORDSHIRE BOROUGH COUNCIL**

Report to Council

Date: 18<sup>th</sup> May 2018

<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 Part 4Ab (Data Protection Policy) – The Data Protection Policy should be updated in readiness for the General Data Protection Regulation coming into force on 25<sup>th</sup> May

2018. The proposed updated Part 4Ab with amendments shown as tracked changes is at Appendix 1 of this Report.

## **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 Appendix 2 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 approve the amendments to Part 4Ab as detailed at paragraph 4.1 above.

12.2 That the Council adopt the Constitution set out in Appendix 2 with immediate effect.

**13. Background papers**

13.1 None.

**14. Appendices**

14.1 Appendix 1 draft amended Part 4Ab

Appendix 2 Constitution 2018

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

<http://www.eaststaffsbc.gov.uk/council-democracy/committees/Council/2018-05-18-000000>