



Council 23 September 2014

Review of Constitution

1. Summary and reasons for recommendation(s)

- 1.1 This report updates members on the work that has been done towards creating a new Constitution and recommends the next step.

2. Recommendation(s)

- 2.1 Members are asked to note the progress that has been made in developing principles for the new constitution and endorse the content of Appendix 1 as the basis for working up firmer proposals to be brought to the next Council meeting.

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3. Key issues

- 3.1 It has been recognised that the constitutions of both Forest Heath and St Edmundsbury councils need to be updated and aligned so as to create a consistent framework for decision-making. Both authorities therefore resolved to set up a Joint Task and Finish Group to develop the building blocks of their new constitutions. The Group comprises the following councillors:

Forest Heath

Stephen Edwards

Chris Barker

Tim Huggan

Tony Simmons

St Edmundsbury

Dave Ray

Ian Houlder

David Nettleton

Jim Thorndyke

- 3.2 The Group met in July and August to come up with ideas. The approach taken was to discuss desired outcomes and key principles for the councils' governance

structures and processes, so these could be used to design a new constitution. These were then tested and discussed at an informal member forum on 10 September which was attended by 15 councillors. Notes of the forum's discussion are available (for councillors only) on Gold: http://goldintranet.stedsbc.gov.uk/gold/councillors/Member_development/upload/MembersForumNotes140910.pdf

3.3 Attached as Appendix 1 is a summary of the emerging principles and the range of views connected with them. It is important to note that these principles are still a work in progress and the purpose of this report is to test them with all councillors at an early stage. They will continue to evolve as the process continues and more detail emerges.

4. Other options considered

4.1 The alternative is to leave the constitutions as they are, making only those incremental amendments that arise from such things as changes to legislation. This is not considered desirable because the differences between the current constitutions are not conducive to partnership working with a shared workforce and the increasing number of joint member meetings. We would also be missing the opportunity to create something that actively supported our aim to be nimbler and more commercial in our decision-making and to empower families and communities

5. Consultation *(what consultation has been undertaken, and what were the outcomes?)*

5.1 The member forum enabled input at an early stage and members will be consulted as work progresses

6. Financial and resource implications *(including asset management implications)*

6.1 Work on the new constitution will be carried out in-house.

7. Risk/opportunity assessment *(potential hazards or opportunities affecting corporate, service or project objectives)*

Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Not achieving a revised constitution that improves the efficiency of the council	Medium	Continuing involvement of the Task & Finish Group in the development process, and consultation with all other members	Low

8. Legal and policy implications

8.1 The final constitution will need to comply with statutory requirements but the detail is a matter for the later stages of the process.

9. Documents attached

9.1 Appendix 1 – Constitution Review - Emerging Ideas and Principles.

Constitution review – emerging ideas and principles

	Emerging Principles	Range of opinions (where applicable)
1.	Meetings	
1.1	More freedom for committees to set own terms of reference and working practices, and change the dates/times of meetings	<ul style="list-style-type: none"> Freedom over ways of working, but ToR (i.e. objectives and remit) should be signed off by Cabinet/Council and be consistent across both authorities where applicable. Meeting times to fit better with work hours of members.
1.2	Chairman to continue in office until first meeting of new year	
1.3	Public speaking at all open meetings	<ul style="list-style-type: none"> Only on agenda items (except full Council) Limit to 3 minutes Overall time limit of 15 minutes (except full Council) Only allow one speaker 'for' and one 'against' on each topic Answer at meeting only if written notice of question, otherwise in writing afterwards Members not on committee to have same speaking/questioning rights as public
1.4	More opportunity for members to influence and determine content of agendas	
1.5	More concise reports on new templates, accessible electronically with detail available separately	<ul style="list-style-type: none"> Development Control still to be provided in hard copy but otherwise move to electronic by default to reduce printing and postage – members would be able to print it themselves if they want it Technology must work if we are to rely on it Hard copies available for public at meetings, but also easy electronic access for the public too

	Emerging Principles	Range of opinions (where applicable)
2.	How we exercise our functions	
2.1	Some proposals to go from informal cabinet briefing stage to Scrutiny before going forward for recommendation	<ul style="list-style-type: none"> • Within access to information rules, cabinet must retain right to discuss some things in private and without referring them elsewhere
2.2	Openness about, and early notification of, future business, especially items that are not for the decisions plan	<ul style="list-style-type: none"> • Need to be clear when items are confidential • Better use could be made of intranet including accessibility from members' own devices
2.3	Delegations to officers could be more flexible – prescribe budget and aim of delegation, but not how to achieve it; report back for further decisions only if parameters cannot be met	<ul style="list-style-type: none"> • Need to be careful how to identify budget – by reference to outcome, costs or savings? • Portfolio Holders must be kept informed
2.4	Review of Frontline Councillor to clarify purpose and powers. Only PHs to have power to make decisions on their own. Develop use of locality budgets to commission services and outcomes.	<ul style="list-style-type: none"> • PHs must make solo decisions only exceptionally and within agreed parameters
3.	Making decisions and holding the Executive to account	
3.1	Portfolio Holders to attend Scrutiny regularly to brief on the work coming up (and ongoing) in their portfolios, ideally before it is referred to Cabinet.	
3.2	At O&S/PASC, PHs to answer questions from members	
3.3	PHs and officers to tell ward members in good time when a proposal will affect their ward	
3.4	Cabinet to hold regular 'open forum' for questions and discussion	<ul style="list-style-type: none"> • Perhaps linked in the calendar to Cabinet or full Council meetings?
3.5	Make more use of Task and Finish groups to go into detail before recommendations are put to Cabinet	
3.6	Scrutiny to look jointly at matters that affect both areas, including	

	Emerging Principles	Range of opinions (where applicable)
	the development of policies and strategies and performance of shared services (the same principle would also apply to Cabinet)	
4.	Full Council	
4.1	Start each meeting with a Leader's report on which members can ask questions No Portfolio Holder reports	<ul style="list-style-type: none"> ● One suggestion is: <ul style="list-style-type: none"> ○ A limit of 5 minutes for each question to be asked and answered, with a supplementary if there is time ○ Overall time limit of 30 minutes ○ PHs can answer if appropriate ● PH reports should be retained, but be more concise. ● If we dispense with PH reports, find another way to give members and the public the information, and for PHs to engage with other councillors (see 3 above)
4.2	Public questions to follow Leader's report as next item on agenda	<ul style="list-style-type: none"> ● Examine layout at SEBC including whether public speakers should be nearer to or facing Cabinet? ● Retain time limits of 5 minutes per question, 30 overall ● Publish any questions that are answered in writing on the intranet and website ● Public questions should not be limited to agenda items ● Written answers to be circulated on intranet
4.3	Recommendations that need a Council decision should be put in a separate report with a brief explanation. No need for Council to go through minutes of other meetings.	

	Emerging Principles	Range of opinions (where applicable)
4.4	Questions and motions by members should be at the end of the agenda. Limit to one each per member per meeting	<ul style="list-style-type: none"> No limit, but keep under close review to see if any misuse