

# Overview and Scrutiny Committee



Forest Heath  
District Council

<b>Title of Report:</b>	<b>Review and Revision of the Constitution</b>	
<b>Report No:</b>	<b>OAS/FH/16/010</b>	
<b>Report to and date:</b>	<b>Overview and Scrutiny Committee</b>	21 April 2016
<b>Portfolio holder:</b>	Stephen Edwards Portfolio Holder for Resources and Performance <b>Tel:</b> 01638 660518 <b>Email:</b> <a href="mailto:stephen.edwards@forest-heath.gov.uk">stephen.edwards@forest-heath.gov.uk</a>	
<b>Lead officer:</b>	Steven Boyle Interim Service Manager (Legal)/Monitoring Officer <b>Tel:</b> 01284 757165 <b>Email:</b> <a href="mailto:steven.boyle@westsuffolk.gov.uk">steven.boyle@westsuffolk.gov.uk</a>	
<b>Purpose of report:</b>	To note the minor amendments made to the Forest Heath District Council Constitution arising from changes to legislation, changes to staffing structures/ job descriptions or changes in terminology.	
<b>Recommendation:</b>	<b>It is <u>RECOMMENDED</u> that the minor amendments undertaken by the Monitoring Officer under delegated authority, as set out in Appendix A to this report, be noted.</b>	
<b>Key Decision:</b> <i>(Check the appropriate box and delete all those that <b>do not</b> apply.)</i>	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>	
<b>Consultation:</b>	• Not applicable.	
<b>Alternative option(s):</b>	• Not applicable.	
<b>Implications:</b>		
<i>Are there any <b>financial</b> implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<i>Are there any <b>staffing</b> implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<i>Are there any <b>ICT</b> implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

<i>Are there any <b>legal and/or policy</b> implications? If yes, please give details</i>		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Under the Local Government and Housing Act 1989, the Monitoring Officer is responsible for the operation of the Council's Constitution.  Under S37 of the Local Government Act 2000, a local authority which is operating executive arrangements, must prepare and keep up-to-date, a document (referred to as their constitution).	
<i>Are there any <b>equality</b> implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<b>Risk/opportunity assessment:</b>		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
<b>Risk area</b>	<b>Inherent level of risk</b> (before controls)	<b>Controls</b>	<b>Residual risk</b> (after controls)
Confusion, mistakes and legal challenge if delegations in the Constitution do not reflect actual Council and Officer practice	High	Ongoing review and revision to ensure that the Constitution is up-to-date	Low
<b>Ward(s) affected:</b>		All Wards	
<b>Background papers:</b> <i>(all background papers are to be published on the website and a link included)</i>		<a href="#">Forest Heath District Council Constitution (as at 29 March 2016)</a>	
<b>Documents attached:</b>		Appendix A – Minor Amendments made to the Constitution by the Monitoring Officer under Delegated Authority - January to March 2016	

## **1. Key issues and reasons for recommendation(s)**

### **1.1 Heading**

1.1.1 Article 14 of the Forest Heath District Council Constitution refers to the review and revision of the Constitution.

1.1.2 Paragraph 14.1.1 of Article 14 states that:

*"14.1.1 The Monitoring Officer will monitor and evaluate the operation of the Constitution to ensure that its aims and principles are given full effect."*

1.1.3 Paragraph 14.4.3 of Article 14 also states that:

*"14.3.3 The Monitoring Officer, in consultation with the Head of Paid Service and relevant Portfolio Holder, has delegated authority to make minor amendments to the constitution arising from changes to legislation, changes to staffing structures or job descriptions or changes in terminology. Such changes will be reported quarterly to the Overview and Scrutiny Committee. The Monitoring Officer also has authority to amend the constitution to implement decisions of the Leader in relation to the delegation of executive functions to the Cabinet."*

1.1.4 **Appendix A** to this report sets out the minor amendments which have been made to the Forest Heath District Council Constitution, under the delegated authority of the Monitoring Officer, from January to March 2016.

1.1.5 All Members of the Council have also been informed of these minor amendments, as part of the ongoing review and revision of the Constitution. The latest updated version of the Constitution is also available on the Council's website and is available for inspection by members of the public, upon request.

## Forest Heath District Council

### Review and Revision of the Constitution

#### Minor Amendments made by the Monitoring Officer under Delegated Authority – January to March 2016

Amendment Date	Approved By	Sections of the Constitution Affected	Nature of Amendment
19 January 2016	Monitoring Officer	Part 4 – Committee Procedure Rules  Paragraph 9 (Substitutes – Powers and Duties)  Paragraph 9.3	Inclusion of additional paragraph 9.3, to provide further clarity to the appointment of temporary substitutes.
29 March 2016	Monitoring Officer	Part 1 – Summary and Explanation (The public’s rights)	To update the contact information for the Council’s Monitoring Officer.
29 March 2016	Monitoring Officer	Membership 2015-2019 – Contact Details	(i) To update the mobile telephone number for Councillor Robin Millar. (ii) To update the status of the Brandon West and

Amendment Date	Approved By	Sections of the Constitution Affected	Nature of Amendment
			the South Wards, to reflect the current vacancies within these two Wards.
29 March 2016	Monitoring Officer	Part 4 – Rules of Procedure – Council Procedure Rules	Amending of job titles from Service Manager (Democratic Services and Elections) to Service Manager (Legal) to reflect changes to role responsibilities.
29 March 2016	Monitoring Officer	<p>Paragraph 13 – Voting</p> <p>Paragraph 13.3 (Show of Hands)</p> <p>Paragraph 13.4.2 (Recorded Vote)</p> <p>Paragraph 19 – Suspension and amendment of Council procedure rules</p> <p>Paragraph 19.1 (Suspension)</p>	<p>Paragraph amended to reflect the statutory requirement for the taking of a recorded vote for approval of the budget or setting of council tax.</p> <p>Paragraph amended to reflect the statutory requirement for the taking of a recorded vote for approval of the budget or setting of council tax.</p> <p>Paragraph amended to correct reference to paragraph numbers.</p>

<b>Amendment Date</b>	<b>Approved By</b>	<b>Sections of the Constitution Affected</b>	<b>Nature of Amendment</b>
29 March 2016	Monitoring Officer	Part 4 – Committee Procedure Rules	Amending of job titles from Service Manager (Democratic Services and Elections) to Service Manager (Legal) to reflect changes to role responsibilities.
29 March 2016	Monitoring Officer	Part 5 – Codes of Conduct  Code of Conduct for Members	Amendment to The Suffolk Local Code of Conduct, for the purposes of clarity to the term 'co-opted members'.