

Shadow Council

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| Title of Report: | The West Suffolk Council Constitution | |
| Report No: | COU/SA/19/008 | |
| Report to and date: | Shadow Council | 19 February 2019 |
| Shadow Executive (Cabinet) Members: | Ruth Bowman FHDC: Future Governance Tel: 01638 510896 Email: ruth.bowman@forest-heath.gov.uk | Carol Bull SEBC: Future Governance Tel: 01953 681513 Email: carol.bull@stedsbcc.gov.uk |
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| Purpose of report: | West Suffolk Council takes on the powers, functions and responsibilities of Forest Heath District and St Edmundsbury Borough Councils on 1 April 2019. This report requests Shadow Council to adopt a Constitution, to ensure there is clarity on how West Suffolk Council will operate and make decisions. | |
| Recommendation: | It is <u>RECOMMENDED</u> that Shadow Council adopts the West Suffolk Council Constitution, as attached at Appendix 1 to Report No: COU/SA/19/008, to come into effect on 1 April 2019. | |
| Key Decision: <i>(Check the appropriate box and delete all those that do not 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"/> | |
| Consultation: | <ul style="list-style-type: none"> All members of the Shadow Council have been provided access to the draft Constitution, and invited to two drop in sessions as set out in the report. | |
| Alternative option(s): | <ul style="list-style-type: none"> There are no alternatives proposed. | |
| Implications: | | |
| <i>Are there any financial implications? If yes, please give details</i> | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> • | |

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| Are there any staffing implications? If yes, please give details | | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> • | |
| Are there any ICT implications? If yes, please give details | | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> • | |
| Are there any legal and/or policy implications? If yes, please give details | | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> • The Constitution has been developed in order to comply with the relevant applicable legislation frameworks | |
| Are there any equality implications? If yes, please give details | | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> • | |
| Risk/opportunity assessment: | | <i>(potential hazards or opportunities affecting corporate, service or project objectives)</i> | |
| Risk area | Inherent level of risk (before controls) | Controls | Residual risk (after controls) |
| Failure to agree a constitution means there is no clarity on who can make decisions within the Council or decisions are made without authority to do so, which then cannot be enforced. | High | The constitution has been developed based on the current, agreed constitution of both Councils, and subject to consultation with all members. | Low |
| Ward(s) affected: | | All wards | |
| Background papers: <i>(all background papers are to be published on the website and a link included)</i> | | None | |
| Documents attached: | | Appendix 1 – West Suffolk Council Constitution Appendix 2 – Amendments to draft Constitution | |

1. Key issues and reasons for recommendation(s)

- 1.1 A constitution provides clarity on who can make decisions within a Council, and how those decisions can be made. Without such a document, the Council could not operate effectively and consistently, and its decisions would be open to challenge.
 - 1.1.1 It is crucial that a Constitution is in place for West Suffolk Council on 1 April 2019 to provide clarity on who has authority to make decisions, and the procedures that should be followed in doing so. Over the past year, the Joint Constitution Review Group has been meeting to develop the new Constitution which is broadly based on the current, harmonised Forest Heath and St Edmundsbury Constitutions.
 - 1.1.2 The proposed Constitution is attached at Appendix 1. A draft copy has been available to all Members since January 2019, along with accompanying summaries that explain the changes from present constitutions, and the rationale for making such changes.
 - 1.1.3 Two Member drop in sessions were held, on 21 and 23 January 2019, where Councillors had opportunities to ask questions about the Constitution; feedback from the sessions was collated and the Constitution amended as appropriate. A list of amendments from the draft version of the Constitution previously made available to members has been included at Appendix 2.

1.2 Areas of Focus

- 1.2.1 The Joint Constitution Review Group recognise that the proposed Constitution may well evolve during the life of West Suffolk Council. There are opportunities to look at how the constitution is working, and see if it should be changed to support the way we want to work.
- 1.2.2 The Review Group are particularly interested in how the arrangements for the Development Control Committee will operate. The revised scheme of delegation means that some non-controversial applications that currently go directly to Committee to consider will be referred to the Delegation Panel in the first instance. It is intended to keep a watching brief on the operation of the scheme of delegation.
- 1.2.3 The Review Group have proposed changes to the way that the scheme of delegations operate. In the past, the Constitution explicitly stated which decisions committees could make, and which decisions officers could make. Now, the Constitution identifies which decisions the committees can make, but beyond that, officers will have delegated authority to make decisions. It is therefore critical that the right safeguards are in place to ensure that decision making remains lawful and transparent.
- 1.2.4 With this in mind, the Constitution Review Group have revised the definition of key decisions, which includes a new emphasis on engaging local Members in important executive decisions in their areas. Again, the scheme of delegation is an area the Review Group proposes to monitor to ensure it is working effectively and efficiently.