

West Suffolk Council Constitution: proposed amendments

Report number:	COU/WS/23/008	
Report to and date:	Council	21 March 2023
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Decisions Plan: **Not applicable as this is not an executive matter**

Wards impacted: **All wards**

Recommendation: **It is recommended that Council:**

- 1. Approves the revised wording for Part 4; Council Procedure Rules (as set out in paragraphs 1.1.4; 1.2 and 1.3 of Appendix 1 to Report number COU/WS/23/008).**
- 2. Approves the revised wording for Part 4; Scrutiny Committees Procedure Rules (as set out in Section A; Overview and Scrutiny Committee; paragraph 1.3 of Appendix 2 to Report number COU/WS/23/008).**

1. Context to this report

- 1.1 The Constitution Review Group periodically meets to review the effectiveness of the Constitution, identifying any areas that could be developed further to improve the way the Council makes decisions, ensuring that processes are efficient and transparent.

2. Proposals within this report

- 2.1 The Constitution Review Group met on 8 February 2023 to consider two areas recommended for amendment:

- Part 4; Council Procedure Rules
- Part 4; Scrutiny Committees Procedure Rules

2.2 Proposed amendment to Council Procedure Rules

Currently the Constitution provides:

1. Annual meeting of the Council

1.1 Timing and business

The Annual Meeting of the Council will be held:-

1.1.1 In a year of ordinary elections of Councillors to the Council, on such day within the twenty-one days immediately following the day of retirement of Councillors as the Council may fix.

1.1.2 Unless, by virtue of any enactment, the Council is allowed to cancel, defer or delay the Annual Meeting, in any other year, on such day in the month of March, April or May as the Council may fix.

1.1.3 At such hour as the Council may fix.

1.1.4 At the Annual Meeting, the Council will:-

- (a) Elect a Member to preside if the retiring Chair and Vice Chair are not present.*
- (b) Elect the Chair for the ensuing year.*
- (c) Receive any announcements from the Chair.*
- (d) Receive any announcements from the Officer advising the Chair including apologies for absence.*
- (e) Elect the Vice Chair.*
- (f) Elect the Leader at the post-election Annual Meeting.*
- (g) If practicable, be told by the Leader about the composition and constitution of the Cabinet for the coming year, and the names of Councillors chosen to be Members of the Cabinet.*
- (h) Determine the Council's Committee structure and arrangements for outside bodies in accordance with 1.2 below.*

- (i) *Appoint the Chair and Vice-Chair of the Overview and Scrutiny Committee and the Performance and Audit Scrutiny Committee.*
- (j) *Update the Constitution if necessary in line with 1.2 below.*
- (l) *Consider any other business set out in the notice convening the meeting.*

1.2 Selection of councillors on committees and outside bodies

At the Annual Meeting, the Council will:-

- (a) *Decide which Committees to establish for the municipal year.*
- (b) *Decide the size and agree terms of reference for those Committees.*
- (c) *Decide the allocation of seats and substitutes to political groups in accordance with the political balance rules.*
- (d) *Receive, or arrange the delegation of, nominations of Councillors to serve on each Committee for which a new appointment or re-appointment is required.*
- (e) *Appoint to those Committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet.*

It is proposed that the appointment to outside bodies be determined once in each new Administration with minor amendments required throughout the Administration being made by the Leader of the Council and confirmed by the Monitoring Officer. The proposed amended wording to the Constitution is:

1. Annual meeting of the Council

1.1 Timing and business

The Annual Meeting of the Council will be held:-

1.1.4 In a year of ordinary elections of Councillors to the Council, on such day within the twenty-one days immediately following the day of retirement of Councillors as the Council may fix.

1.1.5 Unless, by virtue of any enactment, the Council is allowed to cancel, defer or delay the Annual Meeting, in any other year, on such day in the month of March, April or May as the Council may fix.

1.1.6 At such hour as the Council may fix.

1.1.4 At the Annual Meeting, the Council will:-

- (a) *Elect a Member to preside if the retiring Chair and Vice Chair are not present.*
- (b) *Elect the Chair for the ensuing year.*
- (c) *Receive any announcements from the Chair.*
- (d) *Receive any announcements from the Officer advising the Chair including apologies for absence.*
- (e) *Elect the Vice Chair.*
- (f) *Elect the Leader at the post-election Annual Meeting.*

- (g) *If practicable, be told by the Leader about the composition and constitution of the Cabinet for the coming year, and the names of Councillors chosen to be Members of the Cabinet.*
- (h) *Determine the Council's Committee structure in accordance with 1.2 below.*
- (i) *At the post-election Annual Meeting determine the arrangements for outside bodies in accordance with 1.2 below*
- (j) *Appoint the Chair and Vice-Chair of the Overview and Scrutiny Committee and the Performance and Audit Scrutiny Committee.*
- (k) *Update the Constitution if necessary in line with 1.2 below.*
- (l) *Consider any other business set out in the notice convening the meeting.*

1.2 Selection of councillors on committees

At the Annual Meeting, the Council will:-

- (a) *Decide which Committees to establish for the municipal year.*
- (b) *Decide the size and agree terms of reference for those Committees.*
- (c) *Decide the allocation of seats and substitutes to political groups in accordance with the political balance rules.*
- (d) *Receive, or arrange the delegation of, nominations of Councillors to serve on each Committee for which a new appointment or re-appointment is required.*
- (e) *Appoint to those Committees.*

1.3 Selection of councillors on outside bodies

At the post-election Annual Meeting, the Council will:-

- (a) *Receive, or arrange the delegation of, nominations of Councillors to serve on any outside body for which a new appointment or re-appointment is required.*
- (b) *Appoint to those outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet.*
- (c) *Any changes required to the appointment of outside bodies after the post-election Annual Meeting will be made on request to the Monitoring Officer*

2.3 Proposed amendment to the Scrutiny Committees Procedure Rules

There is currently no provision within the Scrutiny Committees' Procedure Rules to enable the Overview and Scrutiny Committee to receive reports from the Suffolk Police and Crime Panel or to appoint a representative and substitute to the Suffolk Health Scrutiny Committee. It is, therefore, proposed that the terms of reference of the Overview and Scrutiny Committee are amended as follows:

Current:

- (f) *To act as the Crime and Disorder Committee for the purposes of Section 19 of the Police and Justice Act 2006 and associated regulations, and accordingly:*
 - (i) *To scrutinise the actions undertaken by the Community Safety Partnership and the partners who comprise it, insofar as their activities relate to the Partnership itself; and*
 - (ii) *To make reports or recommendations to the Council and partner organisations with respect to the discharge of those functions...*

Proposed amendment:

- (f) *To act as the Crime and Disorder Committee for the purposes of Section 19 of the Police and Justice Act 2006 and associated regulations, and accordingly:*
 - (i) *To scrutinise the actions undertaken by the Community Safety Partnership and the partners who comprise it, insofar as their activities relate to the Partnership itself;*
 - (ii) *To receive reports from the Suffolk Police and Crime Panel; and*
 - (iii) *To make reports or recommendations to the Council and partner organisations with respect to the discharge of those functions...*
- (n) *To appoint one member of the Committee to act as the Council's representative on the Suffolk Health Scrutiny Committee and appoint one member of the Committee as a substitute member on the Suffolk Health Scrutiny Committee.*

- 2.4 The proposed amendments, as set out above, can also be seen laid out as tracked changes in Appendix 1 and 2 to this report.

3. Alternative options that have been considered

- 3.1 No specific other options have been considered other than not to make the changes.

4. Consultation and engagement undertaken

- 4.1 The recommendations have been developed by the Constitution Review Group.

5. Risks associated with the proposals

- 5.1 There are no specific risks involved with making this decision.

6. Implications arising from the proposals

6.1 None

7. Appendices referenced in this report

7.1 Appendix 1 Part 4; Council Procedure Rules (with the proposed amendments highlighted as track changes)

7.2 Appendix 2 Part 4; Scrutiny Committees Procedure Rules (with the proposed amendments highlighted as track changes)

8. Background documents associated with this report

8.1 None