

# Council

<b>Title of Report:</b>	<b>Review of Constitution</b>	
<b>Report No:</b>	<b>COU/SE/14/008</b> [to be completed by Democratic Services]	
<b>Decisions plan reference:</b>		
<b>Report to and date/s:</b>	<b>Joint Constitution Review Group</b>	26 November 2014
	<b>Council</b>	16 December 2014
<b>Portfolio holder:</b>	David Ray Portfolio Holder for Resources and Performance <b>Tel:</b> 01638 660518 <b>Email:</b> Stephen.edwards@forest-heath.gov.uk	
<b>Lead officer:</b>	Joy Bowes Monitoring Officer <b>Tel:</b> 01284 757141 <b>Email:</b> joy.bowes@westsuffolk.gov.uk	
<b>Purpose of report:</b>	To approve the principles on which to base the drafting of a new constitution.	
<b>Recommendation:</b>	<p><b>It is <u>RECOMMENDED</u> that:</b></p> <ul style="list-style-type: none"> <li><b>(1) the principles set out in the final column of Appendix A be approved; and</b></li> <li><b>(2) Council approve the principles that the constitution be only as long as necessary, and the same for Forest Heath and St Edmundsbury unless differences are essential; and</b></li> <li><b>(3) delegated authority be given to the Monitoring Officer, in consultation with the Joint Constitution Review Group, to draw up a new Constitution based on the above principles; and</b></li> <li><b>(4) delegated authority be given to the Monitoring Officer, in consultation with the Head of Paid Service, to amend the Scheme of Delegation to Officers from time to time to reflect changes in</b></li> </ul>	

	<p><b>statutory responsibilities, staffing structures and so on, so long as those changes do not materially affect the constitution; and</b></p> <p><b>(5) the new constitution be brought to a joint meeting of both councils for adoption on a date before 7 May 2015;</b></p> <p><b>(6) the Ward Councillor Job Description be approved for distribution to prospective borough/district council candidates.</b></p>
<p><b>Key Decision:</b></p> <p><i>(Check the appropriate box and delete all those that <b>do not</b> apply.)</i></p>	<p><i>Is this a Key Decision and, if so, under which definition?</i></p> <p>Yes, it is a Key Decision - <input type="checkbox"/></p> <p>No, it is not a Key Decision - <input checked="" type="checkbox"/></p>
<p><b>Consultation:</b></p>	<p>The principles have been drafted by the Joint Constitution Review Group comprising four members each of Forest Heath and St Edmundsbury Councils. Consultation was undertaken at a member forum on 10 September 2014 and emerging principles approved at the September and October meetings of both councils. Subsequently all members and senior officers of both councils were invited to comment on draft recommendations.</p>
<p><b>Alternative option(s):</b></p>	<p>The alternative is to leave both constitutions as they are, or to make piecemeal changes. This does not address the risk of duplication or error that arises from officers working to two frameworks for decision making, nor does it assist with the councils' ambition to work more closely together.</p>
<p><b>Implications:</b></p>	
<p><i>Are there any <b>financial</b> implications? If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> <li>•</li> </ul>
<p><i>Are there any <b>staffing</b> implications? If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> <li>•</li> </ul>
<p><i>Are there any <b>ICT</b> implications? If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> <li>•</li> </ul>
<p><i>Are there any <b>legal and/or policy</b> implications? If yes, please give details</i></p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <ul style="list-style-type: none"> <li>• In order to give legal effect to the constitution it will need to be formally adopted by resolution of council.</li> </ul>
<p><i>Are there any <b>equality</b> implications? If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> <li>•</li> </ul>

<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)
Failure to create a form of constitution that is acceptable to both councils	Medium	Adherence to the principles agreed by both councils. Drafting to be tested by the Working Group and published for comment by all members as it progresses.	Low
Failure to adopt a constitution which is fit for purpose	Medium	Examine best practice and establish the councils' needs through the Review Group and consultation.	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>		<b>Report No. F52</b> – Alignment of Constitutions – Joint Task and Finish Group – Council 30 June 2014 <b>Report No. F122</b> – Review of Constitution – Council – 23 September 2014	
<b>Documents attached:</b>		<i>(Please list any appendices.)</i> <b>Appendix A</b> – Schedule of Recommendations <b>Appendix B</b> – Ward Councillor Job Description	

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

### **1.1 Constitution**

- 1.1.1 Recognising that having one set of rules to follow would benefit members and officers, at their meetings in June and July this year the councils set up a Joint Constitution Review Group to establish the framework for a new constitution. The Group met over the summer to work up some principles which were tested with the wider membership at a forum on 10 September. After this, initial recommendations from the Group were put out to all members and senior officers for consultation, with the Group considering the feedback and drawing up its final recommendations at a meeting on 26 November.
- 1.1.2 The opportunity has been taken to recommend basic design principles for the constitution. The constitution should be the same for both councils, with exceptions only if necessary to meet local needs, because this removes the risk of following the wrong procedure. It should be concise, removing any sections that are obsolete, so that what it does contain is relevant. Flexibility on delegations to officers is proposed to recognise the changes or additions to responsibilities that need to be made in response to changes in job descriptions and staffing structures.
- 1.1.3 The principles are important in terms of the next stage of the process, which is to develop a detailed new constitution. If, having tested the principles through the drafting of a new constitution, the Review Group wishes to revise the principles this will be highlighted when it makes its final proposals.
- 1.1.4 It is proposed to consider and adopt the new constitution at a joint meeting. As well as being an example of working together, this enables any proposed amendments to be debated in one forum.

### **1.2 Ward Councillor Job Description**

- 1.2.1 As part of the preparations for next May's district and borough elections, information will be sent to prospective candidates which will include a brief Job Description (JD) setting out the expectations of the role. The Group recommends the format attached at Appendix B which takes elements from the St Edmundsbury Frontline Councillor JD, work done on a draft JD for Forest Heath, government guidance and examples from other authorities.