

West Suffolk Council Constitution: proposed amendments

Report number:	COU/WS/24/008	
Report to and date:	Council	26 March 2024
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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 role order and wording for the Member Role Descriptions in Part 3; Section 6 of the Constitution.**
- 2. Approves the amendments to the appointment of substitutes in Part 4a and Part 4b of the Constitution.**
- 3. Approves the amendment to Staff Consultative Panel: Terms of Reference in Part 3; Section 2: Responsibility for Council (Non- Executive) Functions of the Constitution.**

- 4. Approves the amendment to Council Procedure Rules regarding the recording of meetings in Part 4 of the Constitution.**
- 5. Approves the amendments to Council Procedure Rules on Motions on Notice in Part 4 of the Constitution.**
- 6. Approves amendments to the granting of dispensations in Part 3; Section 2; Responsibility for Council (Non-Executive Functions) of the Constitution.**
- 7. Approves amendments to the Scrutiny Procedure Rules in Part 4; Section B. Performance and Audit Scrutiny Committee of the Constitution.**
- 8. Agrees to disband the Health and Safety Sub-Committee.**

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 November 2023, 31 January 2024 and 13 March 2024 to consider areas within the Constitution to recommend for amendment:

2.2 **Proposed amendments to Member Role Descriptions (Part 3; Section 6 of the Constitution)**

- 2.3 That the order of the Member Role Descriptions be reversed (ie: ward councillor; member of the Cabinet; Deputy Leader of the Council; Leader of the Council).

- 2.4 That minor changes be made as identified in Appendix 1 to this report.

2.5 **Proposed amendments to the appointment of substitutes (Part 4a and Part 4b of the Constitution)**

- 2.6 The Group considered whether the requirement for named substitutes should be removed from the Constitution and determined that the requirement be retained but to seek to simplify the process for the use of temporary substitutes as set out in Appendix 2 to this report.

2.7 **Proposed amendment to Staff Consultative Panel: Terms of Reference (Part 3; Section 2: Responsibility for Council (Non-Executive) Functions of the Constitution)**

- 2.8 Paragraph 2.6 of the Terms of Reference currently provide:

It shall be the duty of a senior Human Resource Officer to attend and advise the Panel

- 2.9 The Group considered a request to bring clarity to this duty and proposes the following change:

It shall be the duty of a senior Human Resource Officer to attend and advise the Panel on behalf of the Head of Paid Service or their designated nominee

2.10 **Proposed amendments to Council Procedure Rules – recording of meetings (Part 4 of the Constitution)**

- 2.11 Paragraph 7.1 of the Council Procedure Rules currently provide:

The Council usually makes its own recording of Council meetings. All recording should be retained for six months after the day of the meeting.

- 2.12 The Group noted that this is not in line with the Council’s retention scheme which requires that recordings are retained from the date of the first annual meeting a new administration until one year after the first annual meeting of the following administration. The following change to paragraph 7.1 is therefore proposed:

The Council usually makes its own recording of Council meetings. All recordings should be retained for the minimum period of one year.

2.13 **Proposed amendments to Council Procedure Rules on Motions on Notice (Part 4 of the Constitution)**

- 2.14 The Group considered that the current rules on Motions of Notice within the Council Procedure Rules are inconsistent with other parts of the Constitution. The current rules provide:

9.3 Unless there are overriding exceptional circumstances, at least 21 days prior to the Council meeting, Members expecting to submit a motion must notify the Monitoring Officer of their intention to do so. The Monitoring Officer will then engage with other relevant Officers or Members as required by the nature of the motion. The Councillors and Officers may then seek to liaise with each other about the nature of the motion, including discussion with the proposer, on any relevant action the Council is already taking in respect of the issue and clarification on the wording of the motion.

9.4 Overriding exceptional circumstances would be those cases where the Councillor proposing the motion could not have reasonably foreseen the need to notify their intent to submit the motion at least 21 days prior to Council. They may only be included on the Council agenda with the written permission of the Chair.

9.5 The final version of the motion on notice must be delivered in writing or by electronic mail to the Service Manager (Democratic Services) no later than midday ten working days before the day of the meeting. These will be dated, and available for public inspection on request.

- 2.15 The Group proposes the following amendment:

9.3 Unless there are overriding exceptional circumstances the Motion must be submitted to the Monitoring Officer by no later than 12 noon ten working days before the meeting, not counting the day of the meeting. The motion will be dated and available for public inspection upon request.

9.4 Overriding exceptional circumstances would be those cases where the Councillor proposing the motion could not have reasonably foreseen the need to notify their intent to submit the motion at least ten working days prior to Council. They may only be included on the Council agenda with written permission of the Chair.

2.16 **Proposed amendments to the granting of dispensations (Part 3; Section 2; Responsibility for Council (Non-Executive Functions) of the Constitution)**

2.17 This part of the Constitution sets out the remit of the West Suffolk Standards Committee and provides that the Committee will have the following functions:

(g) Granting dispensations to Councillors and co-opted Members from requirements relating to interests set out in Section 34 of the Localism Act 2011.

2.18 This means that if a member were to approach the Monitoring Officer to seek a dispensation in accordance with Section 33 of the Localism Act 2011 (with the offences for not declaring an interest being set out in Section 34 of that Act) the Monitoring Officer would be required to arrange for a meeting of the West Suffolk Standards Committee, requiring the summons and agenda for that meeting to be posted five clear days before the meeting. This would all need to take place before the meeting for which the dispensation was being sought.

2.19 The Group considered the current arrangements are not helpful as meetings may be left inquorate if members are out of time for seeking a dispensation. The Group therefore proposed that this be further amended to enable dispensations to be granted in a timely manner:

Where there is insufficient time to call a meeting of the West Suffolk Standards Committee, the Monitoring Officer, in consultation with the Chair and Vice-Chair of the West Suffolk Standards Committee, may grant dispensations to Councillors and Co-opted Members from the requirements relating to interests in accordance with Section 33 of the Localism Act 2011.

2.20 **Proposed amendments to the Scrutiny Procedure Rules (Part 4; Section B. Performance and Audit Scrutiny Committee of the Constitution)**

2.21 The Group considered changes proposed by the Performance and Audit Scrutiny Committee at its meeting on the 25 January 2024 for the co-option of two non-voting non-elected independent members to be appointed to the Performance and Audit Scrutiny Committee as recommended by the Chartered Institute of Public Finance and

Accountancy (CIPFA) (see report PAS/WS/24/004). The Constitution currently states:

1. What will be the arrangements for the Performance and Audit Scrutiny Committee?

1.1...

1.2 *The Committee will consist of a maximum of 12 Members of the Council. The Council will normally observe the rules governing political balance contained in Section 15 of the Local Government and Housing Act 1989 when allocating seats to the Performance and Audit Scrutiny Committee but it may resolve to vary this provision if no Member votes against it.*

2.22 The Group proposes the following amendment:

1. What will be the arrangements for the Performance and Audit Scrutiny Committee?

1.1...

1.2 *The Committee will consist of a maximum of 10 Members of the Council and 2 non-voting co-opted non-elected independent members. The Council will normally observe the rules governing political balance contained in Section 15 of the Local Government and Housing Act 1989 when allocating seats to the Performance and Audit Scrutiny Committee but it may resolve to vary this provision if no Member votes against it.*

1.3 *The 2 non-voting co-opted non-elected independent members will be appointed for a term of four years and may serve for a maximum of two terms.*

2.23 **Proposed disbandment of the Health and Safety Sub-Committee**

2.24 The Group considered a request from the Portfolio Holder for Governance and Regulatory to disband the Health and Safety Sub-Committee and for a more streamlined way of working, allowing more efficient democratic governance and oversight of health and safety and reducing duplication that currently exists with the oversight of the service.

2.25 The Group noted that there was much duplication and cross-over with the functions of the Health and Safety Sub-Committee and the Portfolio Holder for Governance and Regulatory, the Performance and Audit Scrutiny Committee and the Staff Consultative Panel. The Group noted that there are no risks to the disbandment of the Health and Safety Sub-Committee and therefore propose that it be disbanded.

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 - Proposed amendments to Member Role Descriptions
7.2 Appendix 2 – Proposed amendments to the appointment of temporary substitutes

8. Background documents associated with this report

- 8.1 Report number: [PAS/WS/24/004](#) and [Appendix A](#) - Co-opting non-elected independent members