

Council



St Edmundsbury
BOROUGH COUNCIL

Title of Report:	Review of Constitution	
Report No:	COU/SE/15/014 [to be completed by Democratic Services]	
Decisions plan reference:		
Report to and date/s:	Council	25 March 2015
Portfolio holder:	David Ray Portfolio Holder for Resources and Performance Tel: 01359 250912 Email: david.ray@stedsbc.gov.uk	
Lead officer:	Joy Bowes Service Manager (Legal) Tel: 01284 757141 Email: joy.bowes@westsuffolk.gov.uk	
Purpose of report:	To present to members revised sections of the Constitution and seek their adoption.	
Recommendation:	It is <u>RECOMMENDED</u> that Council: 1. adopt the revised sections of the Constitution set out at Appendix A, with any amendments arising from consideration of the comments in Appendix B or tabled at the meeting, as replacements for the equivalent parts of its current constitution; and 2. Authorise the Monitoring Officer to make changes or corrections to the text, numbering or layout of the adopted revised Constitution that are necessary for consistency, accuracy, grammatical correctness and sense, and to remove any parts of the existing constitution implicitly made redundant by the adoption of the revised version or which are otherwise obsolete, prior to publication. 3. Authorise the Monitoring Officer, in consultation with the Leader and Chief Executive,	

	to make any interim changes to those sections of Part 3 containing functions of the Cabinet and committees that are necessary to give effect to decisions made at the Annual Meeting prior to the adoption of a revised Part 3 at the July meeting of Council.		
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"/>		
The key decision made as a result of this report will be published within 48 hours and cannot be actioned until seven working days have elapsed. This item is included on the Decisions Plan.			
Consultation:	<ul style="list-style-type: none"> All revised sections of the constitution have been circulated in instalments to all members and to senior officers and have been available on the intranet. 		
Alternative option(s):	<ul style="list-style-type: none"> The option is not to approve a revised constitution but to retain the existing version. 		
Implications: The aim of revising the Constitution was to provide officers and members of the West Suffolk councils a single framework within which to operate. This will promote efficiency and working together by streamlining the decision-making processes.			
Are there any financial implications? <i>If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •		
Are there any staffing implications? <i>If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •		
Are there any ICT implications? <i>If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •		
Are there any legal and/or policy implications? <i>If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •		
Are there any equality implications? <i>If yes, please give details</i>	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)
Detriment to efficiency and risk of procedural errors arising from not agreeing the adoption of a constitution that is consistent to both West Suffolk councils	Medium	Revised constitution developed with the involvement of members at all stages and the oversight of the Joint Constitution Review Group	Low
Ward(s) affected:		All Wards	

Background papers: <i>(all background papers are to be published on the website and a link included)</i>	Existing constitutions of St Edmundsbury and Forest Heath councils
Documents attached:	<i>(Please list any appendices.)</i> Appendix A – draft revised Articles and Procedure Rules Appendix B – schedule of comments received and responses to them

1. Key issues and reasons for recommendation(s)

1.1 Background

- 1.1.1 This report and appendices are the next step in a process which began last year with the setting up of the Joint Constitution Review Group (the Group), comprising members of both West Suffolk councils, to look at creating one version of a constitution that would be adopted by each Council.
- 1.1.2 The principles on which the revised constitution was to be based were adopted by each Council at meetings in December 2014. Subsequently, as they were drafted, the Articles and Procedure Rules attached as Appendix A were submitted to members and senior officers for consultation. The Group has met three times this year to consider the comments received.
- 1.1.3 Attached as Appendix B is a table of the comments received, and where appropriate the recommendations of the Group on those comments. Any remarks received after the publication of this report will be tabled separately. Owing to the length of the documentation, the debate at the joint meeting will focus on those matters on which comment has been made or where members are asked to make a choice.

1.2 Next Steps

- 1.2.1 The sections of Part 3 which contain the delegation of functions to the Cabinet and committees will be dealt with after the Annual Meetings, because the Cabinet portfolios and committee structure which are then appointed will inform the drafting, and brought to the July Council meetings for adoption. Interim changes required to enable the authority to carry out its functions in the meantime will be made under the delegation in recommendation 3 above. Revisions to the section of Part 3 containing the delegation of functions to officers will be carried out by officers, under the delegations authorised in December, to accord with the recently completed staffing restructure. If the input of councillors is needed in relation to officer delegations (for example in relation to adopting one consistent approach in West Suffolk to the urgency powers of the Chief Executive) this will be sought at a future Council meeting.
- 1.2.2 There are other sections of both constitutions such as protocols and procedures which need to be updated and (in some cases) harmonised. These will be brought forward for member consideration as part of the continuous review of what are dynamic and evolving documents.