

Council



St Edmundsbury
BOROUGH COUNCIL

Title of Report:	Revised constitutions update	
Report No:	COU/SE/15/023 [to be completed by Democratic Services]	
Report to and date/s:	Council	7 May 2015
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Purpose of report:	To update members on progress with the review of the constitution and propose the next steps.	
Recommendation:	It is <u>RECOMMENDED</u> that: (1) the current position with regard to the review of the constitutions be noted; (2) a Constitution Joint Review Group comprising four members each of Forest Heath and St Edmundsbury councils, as nominated to the Monitoring Officer, be set up for the purposes in section 1.2.4 below; (3) the proposed format for Part 3 of the constitution as set out in section 1.2.1 below be approved; and (4) the changes to the Contract Procedure Rules set out in Appendix 1 be approved.	
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:				•
Alternative option(s):				•
Implications:				
Are there any financial implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
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"/>		
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)	
Constitution does not adequately reflect current practice or support efficient working		Constitution is dynamically reviewed and updated	Low	
Ward(s) affected:		N/A		
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		Part 3 of existing St Edmundsbury Constitution		
Documents attached:		Appendix 1 – proposed revisions to the Contract Procedure Rules TO FOLLOW		

1. Key issues and reasons for recommendation(s)

1.1 Background

- 1.1.1 In July 2014 the West Suffolk councils resolved to begin the process of reviewing their constitutions, with the aim of producing a format that would be consistent across both authorities.
- 1.1.2 A Joint Working Group comprising four members of each council was set up to work with the Monitoring Officer and (then) Democratic Services Manager on this project. All members were involved in the process by means of forums and by being consulted on the drafting as it progressed.
- 1.1.3 Both Councils met on 25 March 2015 to approve the new versions of the Articles and the Procedure rules. All approved changes have now been made to the text, together with any consequential amendments required for consistency, and the new versions are now available on the website.

1.2 Next Steps

- 1.2.1 Part 3 of the constitution is the next to be reviewed. This currently comprises:
 - 1. List of local choice functions – allocated to Cabinet or Council.
 - 2. Responsibility for Council functions – a table of delegations from Council setting out the functions and procedures of committees.
 - 3. Responsibility for Executive functions – the contents of each portfolio.
 - 4. List of powers delegated to officers.

It is proposed to retain this format and to add to it a fifth section containing revised and updated member Job Descriptions. For consistency, this format will also be recommended for adoption by Forest Heath.

- 1.2.2 In February this year the government consulted on new regulations that would update and consolidate the provisions on local choice functions. The consultation closed in March and although no date has been given for the new regulations to come into force this may well happen in time for their adoption at the September Council meeting, in which case appropriate recommendations will be brought forward.
- 1.2.3 Work is underway on the list of delegations to officers to reflect current service structures and the complete revised version will be presented for adoption in September. The Monitoring Officer has authority to make any changes to the current scheme that are necessary to enable staff to do their jobs in the meantime.
- 1.2.4 The support and input of a member working group was invaluable during the first part of the constitution review and it is proposed that a new Constitution Joint Working Group be set up again. The remit of the Working Group would be to advise and assist with the review of Part 3 and make recommendations for the adoption of a new version to the autumn Council meetings. As before, it is recommended that there be four members from each authority, to be appointed on receipt of nominations by the Monitoring Officer. As this is a Working Group, political balance requirements do not apply.

2. Changes to the Contract Procedure Rules

- 2.1 Revised Contract Procedure Rules were adopted by both West Suffolk Councils in 2014.
- 2.2 It is proposed that they now be amended as shown in Appendix 1 in order to streamline procedures and avoid double reporting of exceptions.