

EAST STAFFORDSHIRE BOROUGH COUNCIL

REPORT COVER SHEET

Title of Report:	Approval of the Council's Constitution
Meeting of:	Council
Date:	28 th June 2021
Is this an Executive Decision:	NO
Is this a Key Decision:	NO
Is the report Confidential:	NO
If so, please state relevant paragraph from Schedule 12A LGA 1972:	n/a
Essential Signatories: ALL REPORTS MUST BE IN THE NAME OF A HEAD OF SERVICE Monitoring Officer: Angela Wakefield Chief Finance Officer: Sal Khan	

EAST STAFFORDSHIRE BOROUGH COUNCIL

Report to Council

Date: 28th June 2021

TITLE:	Constitution Update	
PORTFOLIO:	Leader of the Council	
HEAD OF SERVICE:	Monitoring Officer	
CONTACT OFFICER:	Angela Wakefield	ext. No. x1267
WARD(S) AFFECTED:	None	

1. Purpose of the Report

1.1 For the Council to note and approve changes to the Council's Constitution.

2. Background

2.1 The Council is required to adopt its Constitution annually.

2.2 This report brings forward the latest proposals for changes.

3. Contribution to Corporate Priorities

3.1 This report does not directly contribute to Corporate Priorities but the Council's Constitution is an important document in enabling the Council to implement the Corporate Plan.

4. Proposed Changes to the Constitution

4.1 Part 4G (Disciplinary Procedures for Statutory Officers) – amend the Procedures to ensure consistency with Schedule 3 of the Local Authorities (Standing Orders) (England) Regulations 2001 as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015; and with the Model Procedure set out in the JNC

Conditions of Service for Chief Executives (October 2016 edition); and with the JNC Conditions of Service for Chief Officers.

4.2 Part 3J (Senior Officer Employment Committee_ - amend paragraphs 2.1, 2.3, 2.10, 2.13 and 2.14 to provide consistency with Part 4G.

4.3 Part 5A (Code of Conduct for Councillors) – amend the Code as recommended by Standards Committee at its meeting on 7th April 2021, by adopting the LGA Model Code of Conduct for Councillors with the following modifications:

- At 7.2 of the LGA Model Code, delete all words following “political purposes”
- Retain 3.4 of the existing Part 5A (on the subject of the IHRA Working Definition of Anti-Semitism)
- Retain 3.5 of the existing Part 5A (on the subject of the APPG Definition of Islamophobia)
- Retain the wording of paragraph 11 of the existing Part 5A (on the subject of Dispensations)

5. **Re-adoption of Constitution**

The Council is recommended to re-adopt the whole Constitution on an annual basis. The proposed changes outlined above are available at the appendices to this Report. In all other respects the Constitution remains unchanged from that adopted on 21st December 2020.

6. **Financial Considerations**

*This section has been approved by the following member of Financial Management Unit:
Lisa Turner.*

6.1 There are no financial issues arising from this Report.

7. **Risk Assessment and Management**

7.1 The main risks to this Report and the Council achieving its objectives are as follows.

7.2 Positive (Opportunities/Benefits):

7.2.1 Improvements to the Council’s Constitution should help the Council to maintain good governance arrangements.

7.3 Negative (Threats)

7.3.1 Failure to review the Council’s Constitution will lead to it becoming increasingly out of date. This may mean that it ceases to be fit for purpose. Also, it increases the risk of decisions being successfully challenged on procedural grounds.

7.4 The risks do not need to be entered in the Risk Register. Any financial implications to mitigate against these risks are considered above.

8. Legal Considerations

This section has been approved by the following member of the Legal Team: Angela Wakefield.

- 8.1 Section 37 of the Local Government Act 2000 requires the Council to keep up to date and publicise its Constitution.
- 8.2 This report takes into account all relevant legal considerations and has been prepared by the Monitoring Officer.

9. Equality and Health

- 9.1 **Equality impacts:** The subject of this Report is not a policy, strategy, function or service that is new or being revised. An equality and health impact assessment is not required.

Health impacts: The outcome of the health screening question does not require a full Health Impact Assessment to be completed. An equality and health impact assessment is not required.

10. Human Rights

- 10.1 There are no Human Rights issues arising from this Report.

11. Sustainability (including climate change & change adaptation measures)

- 11.1 Does the proposal result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures) N/A

12. Recommendations

- 12.1 That the Council approve the amendments to Parts 3J, 4G and 5A as detailed at paragraph 4 above.
- 12.2 That all other aspects of the Constitution remain unaltered
- 12.3 That the Council adopt the Constitution with immediate effect.

13. Background papers

- 13.1 None.

14. Appendices

Appendix 1: Proposed Part 4G

Appendix 2: Proposed Part 3J

Appendix 3: LGA Model Code of Conduct for Councillors

