



**EAST STAFFORDSHIRE BOROUGH COUNCIL**

**REPORT COVER SHEET**

<b>Title of Report:</b>	Amendment of the Constitution – Part 3Ha, Development Plan Committee.	To be marked with an 'X' by Democratic Services after report has been presented
<b>Meeting of:</b>	Corporate Management Team: 14 <sup>th</sup> August 2024	X
	Pre Cabinet: 22 <sup>nd</sup> August 2024	X
	Leader's / Leader of the Opposition's Advisory Group: 29 <sup>th</sup> August 2024 and 4 <sup>th</sup> September 2024	X
	Full Council: 23 <sup>rd</sup> September 2024	
	Audit Committee [DATE] / Scrutiny Community Regeneration Committee [DATE] / Scrutiny Environment and Health and Well Being Committee [DATE] / Scrutiny Value for Money Council Services Committee [DATE]	N/A



<p><b>Is this an Executive Decision:</b></p>	<p>NO</p>	<p><b>Is this a Key Decision:</b></p>	<p>NO</p>
<p><b>Is this in the Forward Plan:</b></p>	<p>YES</p>	<p><b>Does this report contain Confidential or Exempt Information:</b></p> <p><b>If the report Contains Confidential Information, please provide reason.</b></p> <p><b>If the report contains Exempt Information, please state relevant paragraph from Schedule 12A LGA 1972:</b></p>	<p>NO</p> <p>N/A</p> <p>N/A</p>

**Essential Signatories:**

**ALL REPORTS MUST BE IN THE NAME OF A HEAD OF SERVICE**



Monitoring Officer: **John Teasdale**

Date ..... Signature .....

Chief Finance Officer: **Lloyd Haynes**

Date ..... Signature .....

**EAST STAFFORDSHIRE BOROUGH COUNCIL**

**Report to Full Council**

**Date: 23<sup>rd</sup> September 2024**

**REPORT TITLE: Amendment of the Constitution – Part 3Ha,  
Development Plan Committee.**

**PORTFOLIO: Monitoring Officer**

**HEAD OF SERVICE: John Teasdale**

**CONTACT OFFICER: John Teasdale Ext. No. x1267**

**WARD(S) AFFECTED: N/A**

**1. Purpose of the Report**

1.1. To seek the approval of amendments made to the Councils Constitution, in particular Part 3Ha, Development Plan Committee.

**2. Executive Summary**

2.1. The Council's Monitoring Officer is required to review the Council's Constitution to ensure that its aims and principles are given full effect in accordance with Part 2 paragraph 14 of the Constitution. The Monitoring Officer is also required to update the Constitution as required during each year, to reflect accurately the arrangements or intentions of the Council.

2.2. The Council's Constitution was last amended in December 2023 following a meeting of Full Council. Many of the changes made reflected changes in legislation and accepted practice.

2.3. In this instance, relevant Officers have considered Part 3Ha of the Constitution, Development Plan Committee and it is felt and respectfully proposed that broadening the membership of the committee in light of the forthcoming changes to the Local Plan process will be useful. Officers are of the view that there would be a distinct benefit to having a greater pool of input during meetings of the committee.

2.4. The Constitutional amendments have been drafted and are appended to this report.

### **3. Governance Framework**

3.1 The Monitoring Officer has a duty to keep the Constitution under review and updated as required. He has delegated authority to amend the Constitution, however the following Parts of the Constitution (other than re-numbering where necessary) can only be approved by a decision Full Council:

- Part 1 – Summary and Explanation
- Part 2 – Articles
- Part 3 – Responsibility for Functions, Procedures and Delegation of Powers
- Part 3A – Council Meeting Procedure Rules
- Part 3B – The Full Council
- The Functions set out in Parts, 3D, 3E, 3F, 3G, 3H, 3Ia, 3Ib, 3Ic, 3Id, 3J and 3K (the Committees can change their own procedures and they can change their own delegation of powers to Sub-Committees &/or Officers).
- Part 3Z – Officers
- Part 3Zb – Statutory Officers
- Part 4D – The Contract Procedure Rules
- Part 4E – The Corporate Governance Statement
- Part 4F and Part 4G – Disciplinary Procedures for Chief Officers and Statutory Officers
- Part 4H – The Financial Regulations
- Part 4I – The Officer Employment Rules
- Part 5A – Code of Conduct for Councillors
- Part 5C – Protocol for Councillor/Officer Relations
- Part 5D – Councillors' Code regarding Gifts & Hospitality
- Part 5E – Councillors' Planning Code of Conduct
- Part 6 – Councillors Allowance Scheme

3.2 The proposed changes to Part 3Ha require approval by Full Council.

### **4. Contribution to Corporate Priorities**

4.1. Expanding the level of input into the work undertaken by the Development Plan Committee contributes towards all of the Council's Corporate Priorities.

### **5. Main Body of Report**

5.1. Following a consideration by officers, the suggested changes to the Constitution (Part 3Ha) can now be summarised as follows:

#### **Development Plan Committee (Part 3Ha)**

- 5.2. Increasing the membership from 5 to 8 will be helpful to decision making in light of the forthcoming changes to the Local Plan process. It will also bring the Development Plan Committee membership numbers in line with other Council committees, whilst supplementing decision making.

## **6. Financial Considerations**

*This section has been approved by the following member of the Financial Management Unit: Lloyd Haynes*

- 6.1. There are no direct financial issues arising from the recommendations of 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. Continuing to improve the Council's governance framework will reduce the risk of challenge.

7.3. **Negative** (Threats):

7.3.1. Not amending and refining the Constitution as advised

- 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:*

- 8.1. The main legal issues arising from this Report are as follows:
- 8.2. The Council is required by statute (principally the Local Government Acts 1972 and 2000, and the Local Government and Housing Act 1989) to regulate its proceedings and to have an up to date Constitution which is fit for purpose.
- 8.3. A Constitution which does not accurately reflect and accommodate the processes and intentions of the Council could lead to a legal challenge.
- 8.4. An updated Constitution provides a clear governance framework that will further support effective, efficient and lawful decision making and processes.

## **9. Equalities 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.

## 10. **Data Protection Implications – Data Protection Impact Assessment (DPIA)**

10.1. A DPIA must be completed where there are plans to:

- use systematic and extensive profiling with significant effects;
- process special category or criminal offence data on a large scale; or
- systematically monitor publicly accessible places on a large scale
- use new technologies;
- use profiling or special category data to decide on access to services;
- profile individuals on a large scale;
- process biometric data;
- process genetic data;
- match data or combine datasets from different sources;
- collect personal data from a source other than the individual without providing them with a privacy notice ('invisible processing');
- track individuals' location or behaviour;
- profile children or target marketing or online services at them; or
- process data that might endanger the individual's physical health or safety in the event of a security breach

10.2 Following consideration of the above, there are no Data Protection implications arising from this report which would require a DPIA.

## 11. **Human Rights**

11.1. There are no Human Rights issues arising from this Report.

## 12. **Environmental Impacts**

Consider impacts related to the Climate Change & Nature Strategy aims:

- Reducing greenhouse gas emissions (climate change mitigation)
- Preparing for future climate change (adaptation)
- Protecting and enhancing nature
- Using resources wisely and minimising waste and pollution

12.1. Does the proposal have any positive or negative environmental impacts? **N/A.**

12.2. If so, are these impacts **significant**?

(If No, the report author can complete paragraph 12.3. If Yes, the report should be forwarded to the Council's Climate Change and Adaptation Officers for enhanced consideration)

(note – a **significant** impact will likely result from any project, policy, procurement exercise or service change that has a direct or indirect effect on energy or fuel use, water use, land use, other physical resource use, waste generation, pollution, regeneration or construction - If unsure contact the Council's Climate Change and Adaptation Officers)

12.3. Please detail the positive/negative environmental impacts and any mitigation:

12.3.1. Positive impacts (Benefits/Opportunities) **N/A**

12.3.2. Negative impacts (Threats/Mitigation) **N/A**

13. **Recommendation(s)**

13.1. To adopt the amended Part 3Ha of the Constitution (Appendix 1)

13.2. That the Monitoring Officer be authorised to make any necessary further changes to the draft document in relation to formatting, numbering or such other changes consequential to or incidental to the intentions of Full Council.

13.3. Subsequent to paragraph 13.2, that the revised Constitution becomes effective following any such changes being implemented by the Monitoring Officer.

14. **Background Papers**

14.1. N/A

15. **Appendices**

15.1. Appendix 1 – Part 3Ha, Development Plan Committee.