

BABERGH DISTRICT COUNCIL and MID SUFFOLK DISTRICT COUNCIL

From: Interim Assistant Director – Law and Governance and Monitoring Officer	Report Number: C/43/16
To: Babergh District Council Mid Suffolk District Council	Date of meeting: 28 June 2016 Date of meeting: 29 June 2016

CONSTITUTIONAL UPDATE – PHASE 2

1. Purpose of Report

- 1.1 To provide the Council with an update on progress being made with regard to updating the Council's Constitution, which also forms part of the on-going Strengthening Governance review.
- 1.2 To ask that Council approve the recommendations as set out below.

2. Recommendations

- 2.1 That the Constitution be updated as set out in this report and the changes to be carried out be delegated to the Monitoring Officer.
- 2.2 That on completion of the proposed changes the Monitoring Officer to report back to Council with a revised Constitution for further approval.

3. The Joint Strategic Plan

The core of an Enabled and Efficient organisation is Good Governance. The Constitution is a key document reflecting the strength in our Governance.

4. Background and Key Information

- 4.1 The Council, as part of its on-going Strengthening Governance review earlier this year established a Task and Finish group consisting of the following Councillors:-

BDC

Jennie Jenkins
Simon Barrett
Clive Arthey
Sue Carpendale
Margaret Maybury

MSDC

Derrick Haley
Nick Gowrley
Andrew Stringer
Penny Otton
John Levantis

- 4.2 Members of the Task and Finish group have been reviewing the contents of the Constitution over a numbers of sessions. It is recognised that the purpose of the Constitution is to set out clearly how the Council operates, how decisions are made and the procedures it follows to ensure it is well organised, transparent and accountable to local people.

- 4.3 Therefore, it is essential to have clarity around the roles and purpose of Committees. Accordingly, the terms of reference of some Committees could be refined to give further clarity as to their functions. For example, the Joint Audit and Standards Committee role overlaps with the Joint Standards Board with Suffolk County Council. There should be a clear and transparent delegation of functions from the Council to its Committees and officers.
- 4.4 It should also be made clear which Committees have been established under the Local Government Act 1972 and are therefore subject to the Access to Information Rules.
- 4.5 The relationship between Council Committees and the Procedure Rules also needs some clarity. For example, the role and functions of the Council are reflected in the Procedure Rules and unhelpfully conflict with each other. It is difficult to carry out changes to one without the other being affected.
- 4.6 In addition to above, the Procedure Rules could be simplified for example, the Rules could include an explanation of the difference between rules of debate, motions and questions. Currently, the Rules relating to Committees' processes are cumbersome and can be difficult to follow.
- 4.7 In order to make swift progress and to be able to move forward with these (Phase 2) changes the Monitoring Officer seeks a delegation to carry out the relevant changes.
- 4.8 On completion of the proposed changes the Monitoring Officer will bring back to Council a revised Constitution for further approval.

5. Financial Implications

- 5.1 None.

6. Legal Implications

- 6.1 Local Government Acts 1972 and 2000 (as amended) require all Local Authorities to have in place and maintain an updated written Constitution.
- 6.2 A Local Authority must prepare and keep up to date a document (referred to as its Constitution), which contains –
- (i) a copy of the authority's Standing Orders (to govern the general function of that authority).
 - (ii) to maintain Contract Standing Orders
 - (iii) a copy of the authority's Code of Conduct for Members (under section 28 of the Localism Act 2011),
 - (iv) such information as the Secretary of State may direct, and
 - (v) such other information (if any) as the Authority considers appropriate.

7. Risk Management

7.1

Risk Description	Likelihood	Impact	Mitigation Measures
It is a high risk not to regularly review the Constitution and ensure it reflects current practice and Legislation.	Unlikely	Bad	As a core tenet of good governance the Council will keep its Constitution under regular review and amend it, both to reflect experience and changing circumstances.

8. Equality Analysis

8.1 There are no immediate equality issues.

9. Shared Service / Partnership Implications

9.1 The new Constitution has been implemented on the basis that the Constitution should be aligned across both Councils as far as possible.

10. Background Documents

10.1 None.

Authorship:

Suki Binjal
Interim Assistant Director – Law and
Governance and Monitoring Officer

01473 825811 or 01449 724854
suki.binjal@baberghmidsuffolk.gov.uk