

BABERGH DISTRICT COUNCIL

TO: COUNCIL	REPORT NUMBER: BC/23/9
FROM: Monitoring Officer	DATE OF MEETING: 18 July 2023
OFFICER: Ifty Ali - Interim Director Law and Governance	KEY DECISION REF N/A

CHANGES TO THE CONSTITUTION

1. PURPOSE OF REPORT

- 1.1 This report seeks approval from full Council to make the changes to the Constitution to reflect the intention of the Council that the appointment of the Leader be made on an annual basis.

2. OPTIONS CONSIDERED

- 2.1 It is a statutory requirement under the Local Government Acts 1972 and 2000 (as amended) for all Local Authorities to have in place and maintain an updated Constitution.

3. RECOMMENDATIONS

- 3.1 That Council approves the following words to be added “or as the Council shall decide” to Articles 2 and 6 of the Constitution. The relevant sections will read as follows:

Election and Terms of Councillors “2.2 Election and term. The regular election of councillors will be held on the first Thursday in May every four years. The terms of office of councillor will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election with the exception of the Leader who will hold office in accordance with the statutory provisions until the next scheduled election **or as the Council shall decide**. Provisions for the resignation or removal of the Leader at other times are set out in Article 4.”

The Leader “6.3.1 The Leader will be the Councillor elected to the position by the Council at its first annual meeting following the district’s local government elections. The Leader will hold office until a) The next post-election annual meeting of the Council **or as the Council shall decide** ;.....”

- 3.2 That the Monitoring Officer makes all consequential changes to the Constitution to give effect to the decision of the Council to appoint a Leader on an annual basis or as the Council shall decide.

REASON FOR DECISION

To enable the Council to meet its obligations under the Local Government Act 1972 and 2000 (as amended) to have in place and maintain an updated Constitution.

4. KEY INFORMATION

- 4.1 At its Annual Meeting on 23rd May 2023, Babergh District Council agreed to appoint a Leader with the intention that the appointment was for an annual term.
- 4.2 The Council Constitution did not allow for the appointment of a Leader for anything other than a four year term but local government legislation does allow such an appointment to a term as the Council shall decide up to a four year period.
- 4.3 Due to the above situation the Monitoring Officer was asked by Council to bring back a report to the next full council meeting with the required changes to the Constitution to put in effect its wishes.

5. LINKS TO JOINT STRATEGIC PLAN

- 5.1 The core of an Enabled and Efficient organisation is Good Governance. The Constitution is a key document reflecting the strength of our Governance.
- 5.2 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.

6. FINANCIAL IMPLICATIONS

- 6.1 There are no financial consequences of adopting these revisions to the Constitution.

7. LEGAL IMPLICATIONS

- 7.1 The Local Government Acts 1972 and 2000 (as amended) require all Local Authorities to have in place and maintain an updated written Constitution.
- 7.2 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.

8. RISK MANAGEMENT

- 8.1 The key risks are set out below:

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 - 2	Bad - 3	The Monitoring Officer will ensure that the Council will keep its Constitution under regular review and amend it, both to reflect experience and changing circumstances.

9. CONSULTATION

9.1 N/A

10. EQUALITY ANALYSIS

10.1 There are no equality or diversity implications arising directly from this report. An Equality Impact Assessment (EqIA) is not required.

11. ENVIRONMENTAL IMPLICATIONS

11.1 There are no environmental implications arising directly from this report.

12. APPENDICES

None.

13. BACKGROUND DOCUMENTS

The existing version of the Constitution can be found here:

[Babergh Constitution](#)