

BABERGH DISTRICT COUNCIL

TO: COUNCIL	REPORT NUMBER: BC/23/22
FROM: Constitution Working Group	DATE OF MEETING: 24 October 2023
OFFICER: Ifty Ali- Interim Director of Law and Governance	KEY DECISION REF No: 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 put forward by the Constitution Working Group.

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. RECOMMENDATION

- 3.1 That Council approves the Schedule of amendments to the Constitution at Appendix A and the inclusion of the reviewed Contract Standing Orders at Appendix B.
- 3.2 That the Monitoring Officer makes all consequential changes to the Constitution to give effect to the decision of the Council to amend the Constitution.

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 The Constitution has been amended to update and use more equality compliant and inclusive descriptors. The other changes (if adopted) are:
- 4.2 That the Overview and Scrutiny Committee Chair is not appointed from the administration group unless there is a “full coalition administration or standing in for the Chair”. The definition of “full coalition” is taken to mean a coalition where the opposition comprises ungrouped councillors. There is no legal requirement to prevent the Chair appointment from the administration but it is considered best practice in single group administrations.
- 4.3 To remove an inconsistency in the constitution and confirm the established position that the Licensing and Regulatory Committee membership is not subject to substitutions.

4.4 To bring into effect the reviewed Contract Standing Orders (attached at Appendix B)

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 Some of the changes to the Constitution are to use more equality compliant and inclusive descriptions. Apart from that 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

Title	Location
(A) Schedule of amendments	Attached
(B) Contract Standing Orders	Attached

13. BACKGROUND DOCUMENTS

The existing version of the Constitution can be found here:

[Babergh Constitution: Babergh and Mid Suffolk District Councils \(moderngov.co.uk\)](http://moderngov.co.uk)