

MID SUFFOLK DISTRICT COUNCIL

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| From: Monitoring Officer | Report Number: C/19/17 |
| To: Mid Suffolk District Council | Date of meeting: 27 April 2017 |

ADOPTION OF REVISED CONSTITUTION

1. Purpose of Report

- 1.1 The purpose of this report is to obtain the Council's agreement to adopt the revised constitution. The constitution has been amended to reflect the decision by Mid Suffolk District Council to implement the leader-cabinet model of governance.

2. Recommendation that Council

- 2.1 Adopts the revised Constitution, as detailed in appendices A and B.

3. Links to Joint Strategic Plan

- 3.1 The core of an Enabled and Efficient organisation is Good Governance. The Constitution is a key document reflecting the strength of our Governance.
- 3.2 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

4. Financial Implications

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

5. Legal Implications

- 5.1 Local Government Acts 1972 and 2000 (as amended) require all Local Authorities to have in place and maintain an updated written Constitution.
- 5.2 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.

6. Risk Management

| 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. |

7. Equality Analysis

7.1 There are no immediate equality issues raised by this recommendation.

8. Shared Service / Partnership Implications

8.1 As far as possible constitutions of Babergh and Mid Suffolk District Councils have been aligned.

9. Key Information

9.1 Mid Suffolk District Council agreed to adopt the Leader-Cabinet model of governance at its meeting on 22 December 2016. This means that the Council will, at its annual meeting, elect a leader who will in turn appoint between two and nine other councillors to form a Cabinet. Decision making will be split between Council and Cabinet. Regulatory functions will still be exercised in the same way under this model.

9.2 In order to operate within this governance structure, it is necessary to make a number of changes to the Council's constitution. These changes are primarily concerned with the Council and Cabinet procedural rules, the responsibility of functions, the scheme of delegations, the financial regulations and contract standing orders. There are additional consequential amendments throughout the constitutional to replace references to the Executive Committee with the Cabinet.

9.3 The schedule attached as appendix A details the changes made throughout the constitution. A full copy of the proposed constitution can be viewed electronically on the Council's intranet and internet, via the link in Appendix B.

9.4 The Strengthening Governance Task & Finish Group has been consulted on the approach to the constitution review and has had early sight of the amended constitution. The Senior Leadership Team and other officers have also been consulted on the changes, particularly in relation to the officer scheme of delegations.

- 9.5 The Joint Staff Consultative Committee and the Joint Health and Safety Committee have been removed from the Council's constitution. The Chief Executive is currently reviewing how decision-making and engagement in these areas can best be achieved in the future, for example through a councillor/officer advisory board. The Joint Member Integration Board (JMIB) has also been removed as its primary aim was to support the integration process.
- 9.6 The Monitoring Officer is required to undertake annual reviews of the constitution. It is proposed that this function is allocated to the Joint Audit and Standards Committee and that the constitution is reviewed section by section on a rolling basis, with any compulsory changes being dealt with on an ad hoc basis. The Joint Audit and Standards Committee will make any recommendations for changes to the constitution to full Council for approval. This will result in a complete review of the constitution being concluded at least every five years.

10. Appendices

| Title | Location |
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| Appendix A – Schedule of Amendments to the Constitution | Attached |
| Appendix B – Full copy of the proposed Constitution | Online |

11. Background Documents

None.

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