

EAST STAFFORDSHIRE BOROUGH COUNCIL

REPORT COVER SHEET

Title of Report:	Approval of the Council's Constitution
Meeting of:	Council
Date:	13 th January 2020
Is this an Executive Decision:	NO
Is this a Key Decision:	NO
Is the report Confidential:	NO
If so, please state relevant paragraph from Schedule 12A LGA 1972:	n/a
<p>Essential Signatories:</p> <p>ALL REPORTS MUST BE IN THE NAME OF A HEAD OF SERVICE</p> <p>Monitoring Officer: Angela Wakefield</p> <p>Chief Finance Officer: Sal Khan</p>	

EAST STAFFORDSHIRE BOROUGH COUNCIL

Report to Council

Date: 13th January 2020

TITLE:	Constitution Update	
PORTFOLIO:	Leader of the Council	
HEAD OF SERVICE:	Monitoring Officer	
CONTACT OFFICER:	Angela Wakefield	ext. No. x1267
WARD(S) AFFECTED:	None	

1. Purpose of the Report

1.1 For the Council to note and approve changes to the Council's Constitution.

2. Background

2.1 The Council is required to review its Constitution regularly.

2.2 This report brings forward the latest proposals for changes.

3. Contribution to Corporate Priorities

3.1 This report does not directly contribute to Corporate Priorities but the Council's Constitution is an important document in enabling the Council to implement the Corporate Plan.

4. Proposed Changes to the Constitution

4.1 It is proposed that Part 3Zc (Proper Officers) should be amended to reflect current staffing arrangements. The proposed amendments are all shown as tracked changes on the document at Appendix 1.

4.2 In October 2109 the Secretary of State for Housing, Communities and Local Government wrote to all Council Leaders in England on the subject of the adoption of the International

Holocaust Remembrance Alliance (IHRA) Working Definition of Anti-Semitism. A copy of the Secretary of State's letter is at Appendix 2 while the IHRA Working Definition is at Appendix 3. It is proposed that Part 5A (the Code of Conduct for Councillors) and Part 5B (the Code of Conduct Officers) should both be amended to give effect to the Secretary of State's letter. Since the original version of this report was circulated a request has been received from Cllr Chaudhry that those parts of the Constitution be further amended to include reference to the All-Party Parliamentary Group (APPG) on British Muslims' Definition of Islamophobia. All proposed amendments are shown as tracked changes: in the case of Part 5A there is a proposed new paragraph 3.4 and in the case of Part 5B there is proposed additional wording at the existing paragraph 3.2 (see the documents at Appendix 4 and Appendix 5 respectively).

5. Financial Considerations

This section has been approved by the following member of Financial Management Unit: Lisa Turner.

5.1 There are no financial issues arising from this Report.

6. Risk Assessment and Management

6.1 The main risks to this Report and the Council achieving its objectives are as follows.

6.2 Positive (Opportunities/Benefits):

6.2.1 Improvements to the Council's Constitution should help the Council to maintain good governance arrangements.

6.3 Negative (Threats)

6.3.1 Failure to review the Council's Constitution will lead to it becoming increasingly out of date. This may mean that it ceases to be fit for purpose. Also, it increases the risk of decisions being successfully challenged on procedural grounds.

6.4 The risks do not need to be entered in the Risk Register. Any financial implications to mitigate against these risks are considered above.

7. Legal Considerations

This section has been approved by the following member of the Legal Team: Angela Wakefield.

7.1 Section 37 of the Local Government Act 2000 requires the Council to keep up to date and publicise its Constitution.

7.2 This report takes into account all relevant legal considerations and has been prepared by the Monitoring Officer.

8. Equality and Health

8.1 **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.

Health impacts: The outcome of the health screening question does not require a full Health Impact Assessment to be completed. An equality and health impact assessment is not required.

9. Human Rights

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

10. Sustainability (including climate change & change adaptation measures)

10.1 Does the proposal result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures) N/A

11. Recommendation

11.1 That the Council approve the amendments to Parts 3Zc, 5A and 5B as detailed at paragraph 4 above.

12. Background papers

12.1 None.

13. Appendices

Appendix 1: Draft Part 3Zc

Appendix 2: Secretary of State's letter dated 15th October 2019

Appendix 3a: IHRA Working Definition of Anti-Semitism

Appendix 3b: APPG Definition of Islamophobia

Appendix 4: Draft Part 5A

Appendix 5: Draft Part 5B

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