

<b>TITLE</b>	<b>Changes to the Constitution</b>
<b>FOR CONSIDERATION BY</b>	Council on 21 July 2022
<b>WARD</b>	None Specific
<b>LEAD OFFICER</b>	Andrew Moulton, Assistant Director, Governance

**OUTCOME / BENEFITS TO THE COMMUNITY**

Reviewing the Council's Constitution on a regular basis ensures that it is relevant and fit for purpose.

**RECOMMENDATION**

That Council agree the following changes to the Constitution, as recommended by the Monitoring Officer via the Constitution Review Working Group that:

- 1) additional wording to be added to Chapter 4.2, as set out in paragraph 1 of the report;
- 2) that 4.4.11 (Rules of debate Audit Committee) and 8.4.8 (Rules of debate Licensing and Appeals Committee), 9.1.9 Rules of Procedure (Standards Committee) be removed and subsequent sections renumbered, as set out in paragraph 1 of the report;
- 3) additional wording to be added to Rule 4.4.19, as set out in paragraph 2 of the report.

**SUMMARY OF REPORT**

Chapter 1.1.4 of the Council's Constitution states that the Monitoring Officer will monitor and review the operation of the Constitution to ensure that its aims and principles are given full effect.

The report contains revisions to several areas in the Constitution which were agreed by the Constitution Review Working Group (CRWG) for recommendation to the Monitoring Officer, at their meeting on 8 July 2022.

## **Background**

### **1. Chapter 4.2 – Council Rules of Procedure**

At its meeting on 8 July 2022 the Constitution Review Working Group considered proposed amendments relating to rules of debate and the Special Council Executive Committee.

In February 2022 Council agreed a change to Rule 4.2.13.1 Rules of Debate which states that if no Member wishes to speak against an item on the agenda, then the Mayor/Chairman would put the matter straight to the vote.

The rules of procedure of many committees including Special Council Executive, Audit, Overview and Scrutiny and Licensing and Appeals all state that debates shall take place in accordance with the rules laid down in Chapter 4.2.

The Working Group felt that it was not appropriate that the Audit, Licensing and Appeals and the Overview and Scrutiny Committees should be bound by Rule 4.2.13.1 as it stifles the opportunity for any Member who is not against a particular recommendation but wishes to ask a question or raise a particular point to do so.

It is therefore proposed that the following be added to Chapter 4.2 Council Rules of Procedure:

#### **Application of Rules of Procedure to Committees and Sub-Committees**

All of the Council Rules of Procedure apply to meetings of the Council and its Committees and Sub-Committees (*except for Rules of debate which applies only to Council and Special Council Executive*).

The removal of the following and subsequent renumbering of following sections is also proposed:

#### **~~4.4.11 Rules of Debate~~**

~~Debates at the Audit Committee shall take place in accordance with the rules laid down in Chapter 4.2.~~

#### **~~8.4.8 Rules of Debate~~**

~~Debates at the Licensing and Appeals Committee shall take place in accordance with the rules laid down in Chapter 4.2.~~

#### **~~9.1.9 Procedure at Ordinary Meetings~~**

~~Ordinary meetings of the Standards Committee shall be conducted in accordance with the Council Rules of Procedure set out in Chapter 4.2~~

### **2. Chapter 4.4 – Committees of the Council**

At a recent meeting of the Special Council Executive Committee, it would have been helpful if the relevant Executive Member could have introduced the report under discussion and been able to answer any questions that the Committee might have had on the matter.

It is therefore proposed to add the following paragraph to Rule 4.4.19 Rules of Debate:

*“If the Executive Member responsible for the item under discussion is not a member of the Committee then they will be invited to attend the meeting in order to introduce the report and answer any questions that the Committee may have.”*

## **FINANCIAL IMPLICATIONS OF THE RECOMMENDATION**

***The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.***

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£0	Yes	Revenue
Next Financial Year (Year 2)	£0	Yes	Revenue
Following Financial Year (Year 3)	£0	Yes	Revenue

### **Other financial information relevant to the Recommendation/Decision**

There are no financial implications associated with this report.

### **Cross-Council Implications**

None

### **Public Sector Equality Duty**

This report has had due regard to the public sector equality duty and where applicable and available has included information relating to impacts upon people with protected characteristics and inequality.

### **List of Background Papers**

Council's Constitution

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