

Agenda Item No: 1

Report to: Cabinet

Date of Meeting: 9th April 2018

Report Title: Amendments to the Council's Constitution

Report By: Christine Barkshire-Jones
Chief Legal Officer and Monitoring Officer

Purpose of Report

Cabinet is asked to consider the constitutional amendments.

Recommendation(s)

- 1. To recommend that the amendments to the Council's Constitution be adopted by Full Council.**

Reasons for Recommendations

The Council's Constitution is the basis for the Council's Corporate Governance.

Introduction

1. The Council's Constitution is the basis for the Council's Corporate Governance. It needs amending on a regular basis either as a result of discussions at Working Arrangement Group and/or changes in legislative provisions or working practices.
2. Working Arrangement Group initially met on 31st January 2018 and again on 14th February 2018 to discuss amendments to Council procedures which were discussed in detail. Amendments that the Chief Legal Officer is bringing to this meeting are minor amendments as set out below. Changes have been made to Parts 1, 2, 4, 5 and 8 of the Constitution.
3. Part 1 - Tidying up. Reference to the Standards Committee has been changed to the Monitoring Officer where appropriate.
4. Part 2 - Articles of the Constitution - Article 9.2 insert "strictly" after 'do not'. Article 13 insert heading "Common Seal of Hastings Housing Company" and insert the following text "The Common Seal of the Hastings Housing Company will be kept in a safe place in the custody of the Chief Legal Officer. A decision of the Hastings Housing Company, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Chief Legal Officer should be sealed. The affixing of the Common Seal will be attested by the Chief Legal Officer or some other person authorised in that regard by the Chief Legal Officer."
5. Part 4 - Rules of Procedure - Para 12.1 insert at end of paragraph "The Chief Legal Officer may reject a question if it is defamatory, frivolous or offensive." Para 26.4 and 26.9 change from Town Hall to "Muriel Matters House". Para 16.4 add "6. the proposer of a motion to Council or item for Council decision will have 5 minutes to propose and 5 minutes for their right of reply. (This would not apply to call over for Cabinet minutes)".
6. Part 5 - Planning Protocol - para 12 (a) remove "where the Assistant Director Housing and Built Environment or his nominee intends to recommend permission, consent or approval" in line with Part 8 of the Constitution.
7. Part 8 - Standing Instructions to Authorised Officers - Part 3b: Assistant Director Housing and Built Environment. Add "Financial penalties for certain housing offences in England" at end of Para B.1.1 Housing Act 2004. Updating of legislation at para 45. Insert "The Conservation of Habitats and Species Regulations 2017". Para 45 add "the Council". Part 5: General Delegation to the Directors insert para 78 "The Directors are responsible for the Council's work on income generation." Renumber accordingly.
8. At the meeting on the 31st January 2018 WAG discussed various ideas that may assist in shortening the length of Council meetings. These were:-
 - Encourage members to debate and discuss Cabinet items at the monthly group - meetings set just before Cabinet.
 - Members use their representative at Council to make their points for them.
 - The opposition attend shadow cabinet meetings.
 - Move the Council meeting from 6pm to the earlier time of 5pm.
 - Reduce Council meetings to 2½ hours with ½ hour contingency.

- Give items allocated time on agenda e.g. 15 minutes, then right of reply stops.
- Allocate speakers for the items and add their name to the agenda sheet.
- Suggest meetings can only be extended for 10/15 minutes.
- Take council decisions, then limit time to call over.
- Allow existing 3 minutes time limit to remain and monitor until November.

It was decided that WAG would review these ideas in November when the new members would have had time to have their training and attended a few council meetings. It was suggested that the Chief Legal Officer hold a cross party seminar so that ideas could be discussed more widely with members. That consultation could then be brought to Working Arrangements Group for members to decide what ideas they wanted to implement.

Wards Affected

None

Area(s) Affected

None

Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	No
Crime and Fear of Crime (Section 17)	No
Risk Management	No
Environmental Issues	No
Economic/Financial Implications	No
Human Rights Act	No
Organisational Consequences	Yes

Background Information

Parts 1, 2, 4, 5 and 8 of the Constitution.

Officer to Contact

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