

Report to: Cabinet

Date of Meeting: 7th October 2019

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. Amendments that the Chief Legal Officer is bringing to this meeting are as a result of updating and tidying up of the Constitution. Changes are being proposed to Parts 1, 2, 4, 6, 8 and 9 of the Constitution.
3. The changes were discussed by Working Arrangements Group on 10th September 2019. A few minor changes were made by WAG following that meeting which have been incorporated. WAG requested that the proposed change to the number of motions on the agenda for Council be taken off and further discussion had between officers and Councillors on the most effective way of controlling this. For the CAP meeting only the pages of the Constitution with changes on have been attached as appendices to reduce the size of the agenda. Changes are shown as tracked changes in red.
4. Part 1 - Executive Summary – Tidying up and clarification.
5. Part 2 - Articles of the Constitution – Article 2 addition of wording where 'all out' election and election of Councillors for 4 or 2 years. Article 3 addition of paragraph entitled 'Citizen's responsibilities' which states that Citizens must not be violent, abusive or threatening to Councillors or Officers. Article 9 – clarification of role of Independent Person on Standards Committee.
6. Part 4 - Rules of Procedure – Tidying up and clarification of the sections on Petitions and Questions.
7. Part 6 – Councillors allowances. Updating of Table of Councillor's Allowance Scheme as of 15th May 2019.
8. Part 8 - Standing Instructions to Authorised Officers – Part 3b – para 43E amendment to allow minor changes to the terms of a draft S106 Agreement in consultation with the Chair of the Planning Committee. Para 46 - Approval of any matters required to be submitted pursuant to conditions imposed on any permission, consent or approval given under the Town and Country Planning Acts deletion of paragraph as all such applications are always determined under delegated authority given their technical nature. Para 45 removal of prior determination for telecommunication applications. Deletion of paragraph as all such applications are determined under delegated authority given the strict time limitations.
9. Part 9 – Financial Rules – changes requested by the Chief Finance Officer.

Timetable of Next Steps

1. Please include a list of key actions and the scheduled dates for these:

Action	Key milestone	Due date (provisional)	Responsible
Report to Cabinet		7 th October 2019	Chief Legal Officer
Report to Full Council		23 rd October 2019	Chief Legal Officer

Wards Affected

All Wards

Implications

Relevant project tools applied? Yes

Have you checked this report for plain English and readability? Yes

Climate change implications considered? Yes

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
Local People's Views	No
Anti-Poverty	No

Organisational Consequences

Additional Information

Parts 1, 2, 4, 6, 8 and 9 of the Constitution shown as tracked changes

Officer to Contact

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