

UPDATED REPORT ON PROPOSED AMENDMENTS TO THE CONSTITUTION

Report of the Strategic Head of Service & Monitoring Officer (Legal and Democratic Governance)

1. INTRODUCTION AND PURPOSE OF REPORT

- 1.1 To summarise the areas of the constitution that have previously been referred to being proposed for review in previous reports to the meetings of 23 September 2021, 4 November 2021, and 5 December 2021 but which have yet to be considered by the meeting.
- 1.2 To provide an update in relation to further matters that have been requested for review by this meeting on 3 February 2022 and/or which will be coming to a further Constitution Working Party meeting, proposed to be held during March 2022.

2. BACKGROUND

2.1 Items contained in the report to the meeting on 23 September 2021 which have yet to be discussed by the meeting:-

- 2.1.1 Definitions in the Scheme of Delegations regarding Officer Functions – this will be brought to a further meeting once the new Chief Executive has confirmed her Corporate Leadership Team Arrangements;
- 2.1.2 Contract Procedural Rules – (PR 6 page 251) (and Financial Procedural Rules) these are currently being reviewed by officer representatives of the 4 STAR authorities with a view to agreeing a consistent set of procedure rules. The draft will be brought to this committee as soon as possible.
- 2.1.3 Councillors Code of Conduct – further discussions being held at next Standards Committee on 21 February 2022.
- 2.1.4 Cllr Smart would like to discuss proposed amendments to the following sections of the Constitution:-
 - 2.4.1 Area Committee Functions ([Part 3, Section 4; pages 58-62]);
 - 2.4.2 Full Council:-
 - 2.4.2.1 length of comments and cabinet reports ([Part 5, PR1; page 194; Rule 2.1(e)(i)]).
 - 2.4.2.2 order of agenda items ([Part 5, PR1; page 194; Rule 2.1]).

2.4.2.3 questions being invited for the transport/waste/police representatives but not pension or airport committees [(Part 5, PR1; page 194; Rule 2.1(b) (iv)].

2.4.2.4 notice period for amendments to motions [(Part 5, PR1; page 201; Rule 12 (motions) and Page 203; Rule 14.6 (amendments))];

2.4.3 Membership of committees that sit outside proportionality calculations.

2.2 Further items since the meeting of the Constitution Working Party on 5 December 2021

2.2.1 Potential changes to planning protocol to provide clarity for Members, Officers and Residents; a report will come to the next meeting;

2.2.2 The addition of the request from the Scrutiny Co-ordination Committee that an amendment be made to the Constitution to confirm that Cabinet are to respond to Scrutiny Review Panel reports. It is recommended that this wording is included in the Scrutiny Procedure Rules paragraph 9.3;

2.3.2 Under the Scheme of Delegation, Officer Functions, Paragraph 44, the inclusion of a provision in relation to a delegated ability to a Senior Officer to immediately suspend hire car drivers' licences under the Road Safety Act 2006 on the ground of public safety so that they are no longer undertaken via the Urgent Action provisions in the constitution. This proposal also needs to be considered by the Licensing Committee.

3. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

3.1 There are none.

4. LEGAL CONSIDERATIONS

4.1. The amendment of the constitution has to take place in accordance with the amendment process provided in the constitution.

5. HUMAN RESOURCES IMPACT

5.1. None.

6. EQUALITIES IMPACT

6.1. None.

7. ENVIRONMENTAL IMPACT

7.1. None.

8. CONCLUSIONS AND RECOMMENDATIONS

- 8.1. That the committee consider this report and confirm which amendments to the Constitution they would like to propose in a further report be taken through the Council's governance process to be decided at a future Council Meeting.

BACKGROUND PAPERS

There are none

Anyone wishing to inspect the above background papers or requiring further information should contact Vicki Bates

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