
71. **CABINET MEMBERS' ITEMS – REPORT OF THE FINANCE AND CORPORATE RESOURCES PORTFOLIO HOLDER - A.3 – REVIEW OF THE COUNCIL'S CONSTITUTION**

The Cabinet gave consideration to a report of the Finance and Corporate Resources Portfolio Holder (A.3) which sought its approval for the recommended changes to the Constitution for referral onto Full Council following a review undertaken by the Portfolio Holder through the Constitution Review Working Party.

It was reported that the main proposals covered a number of miscellaneous amendments to the Council Procedure Rules, changes required to comply with legislation and other changes to ensure the Constitution was effective, efficient and consistent at an operational level. Areas of the Constitution where changes were being recommended included:-

- (1) Council Procedure Rules;
- (2) Access to Information Procedure Rules;
- (3) Overview and Scrutiny Procedure Rules;
- (4) Articles of the Constitution;
- (5) The Scheme of Delegation;
- (6) Budget and Policy Framework Procedure Rules;
- (7) Financial Procedure Rules;
- (8) Property Dealing Procedure; and
- (9) Procurement Procedure Rules.

Cabinet was made aware that the Standards Committee had requested that the Constitution Review Working Party (CRWP) consider whether attendance at mandatory training sessions for committees should be linked to Members' allowances. Advice had been provided that this would only be feasible through amendments to the Members' Allowances Scheme and recommendations could be put forward to the Independent Remuneration Panel to research this matter further, should the CRWP decide to do so. After discussing the issue in detail, the CRWP had agreed that Members' failure to attend mandatory training sessions could be resolved through the Group Leaders ensuring that members appointed to committees were able to commit to the additional training required to fulfil their roles.

Cabinet was informed that some Members had raised with the Monitoring Officer whether the Council's arrangements in requiring individuals to observe prayers at the Full Council meeting was lawful following the High Court challenge in 2011 and whether an Equality Impact Assessment had been undertaken. The Monitoring Officer had confirmed the legal position and highlighted that individuals should have the choice whether to observe religious ceremonies at all times. For those Members, Officers or the public who did not wish to take part in prayers they should be allowed to do so without further questions. The CRWP had agreed that the Constitution did not require amendment on this matter but had requested the Monitoring Officer to issue guidance to all Members.

In addition, following recent discussions between various Members regarding practices for dealing with ward issues, the CRWP had considered guidance issued to Members by other elected Members at another Council, which had been regarded as good practice. It was agreed by the CRWP that the Constitution did not require any amendment on this point, but that the guidance could be used as part of the induction programme for elected Members following the elections in May 2019. The Monitoring Officer had been requested to take this forward.

The Leader of the Council, Councillor Stock, thanked the members of the Working Party and the Head of Governance and Legal Services, Lisa Hastings and the Committee Services Manager, Ian Ford for the tremendous amount of work that they had undertaken in producing the proposed changes to the Constitution.

Having considered the contents of the report and the detailed proposed amendments to the Constitution set out in Appendices A to N thereto:-

It was moved by Councillor Stock, seconded by Councillor McWilliams and:-

RECOMMENDED TO COUNCIL that –

- (a) the Council's Constitution be amended to reflect the proposed changes as set out in Appendices B to N attached to item A.3 of the Report of the Finance and Corporate Resources Portfolio Holder; and**
- (b) all changes to come into effect immediately following approval.**

RESOLVED that wider consultation be undertaken with all Members of the Council on the proposed changes to the Council Procedure Rules (as set out in Appendices A1 and A2 to the aforementioned report) prior to further decisions being taken.