

COUNCIL

21 JULY 2020

REPORT OF THE ASSISTANT DIRECTOR (GOVERNANCE) & MONITORING OFFICER

A.3 ANNUAL REVIEW OF THE COUNCIL'S CONSTITUTION

(Report prepared by Ian Ford)

PURPOSE OF THE REPORT

To approve the recommended changes to the Constitution put forward by the Leader of the Council (on behalf of the Cabinet) following a review undertaken by the Corporate Finance and Governance Portfolio Holder through a Working Party constituted for this purpose.

BACKGROUND

Council will be aware that the Cabinet was due to have considered at its scheduled meeting on 20 March 2020 a report of the Corporate Finance and Governance Portfolio Holder which would have requested it to approve the recommended changes to the Constitution for referral onto Full Council following a review undertaken by the Portfolio Holder through a Working Party constituted for this purpose.

The report was published with the agenda of Cabinet for that meeting in March 2020 which unfortunately then had to be cancelled in response to the COVID-19 public health emergency.

However, the recommendations contained therein were subsequently approved by the Leader of the Council (acting on behalf of the Cabinet) who exercised urgent powers granted to him under the Council's Constitution.

The main proposals covered a number of miscellaneous amendments to the Council and Overview and Scrutiny Procedure Rules, changes required to comply with legislation, revised statutory guidance and to ensure the Constitution is effective, efficient and consistent at an operational level.

The Portfolio Holder's Report and accompanying Appendices which were due to have been considered by Cabinet at its meeting on 20 March 2020 are attached as Appendices.

The Leader of the Council's decision on behalf of the Cabinet which was taken on 24 April 2020 was as follows:-

"1. That Cabinet **RECOMMENDS TO COUNCIL:**

- (a) that the Council's Constitution be amended to reflect the proposed changes as set out in this report and the appendices attached hereto (with the exception of Appendix S which relates to executive functions);
- (b) that all changes come into effect from the date on which they are approved by Full Council;
- (c) that Group Leaders be commended to strongly urge that all Members attend planning and licensing training events which would both increase the number of named

substitutes that Group Leaders would have at their disposal as well as providing Members with greater knowledge of the workings of the Council that will prove useful to them in their Ward and wider representational roles; and

- (d) *that the Monitoring Officer be requested to undertake a review of the public speaking scheme for the Planning Committee in accordance with Council Procedure Rule 40, as amended.*

2. *That Cabinet **resolves:***

- (a) *that the proposed changes to the Scheme of Delegation (Schedule 3 – Responsibility for Executive Functions), as set out in Appendix S, be approved;*
- (b) *that the Head of Democratic Services & Elections and the Head of Legal and Governance Services & Monitoring Officer, in consultation with the Deputy Leader of the Council, the Chairmen of the overview and scrutiny committees, the Chairman of the Audit Committee and one other Portfolio Holder (to be decided by the Deputy Leader), be authorised to draft a formal Executive-Scrutiny Protocol for this Council and to submit this to the Overview and Scrutiny Committees and Cabinet for adoption;*
- (c) *that the Head of Legal and Governance Services & Monitoring Officer, in conjunction with the Head of People, Performance and Projects, be requested to review the Council's Whistleblowing Policy in order to make sure that it is robust and report any necessary amendments to the Human Resources and Council Tax Committee; and*
- (e) *that the Head of Democratic Services & Elections be requested to incorporate within the Member Development Scheme regular training on overview and scrutiny matters (including, for example, on the clear division of responsibilities between the Council's scrutiny function and its audit function)."*

Council will recall that Cabinet, at its meeting held on 29 May 2020, subsequently considered a report and appendices of the Corporate Finance and Governance Portfolio Holder in relation to recommended changes to the Constitution in consequence of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. Contained within that report, inter alia, were further recommended changes to one of the Appendices attached to the previous Constitution Review Report that was published for the agenda of Cabinet for its cancelled meeting in March 2020.

The proposed changes to the Constitution highlighted in Appendix E to the March Constitution Review report drew the distinction between the functions of the Executive, which still has responsibility for strategic planning outside of the Local Plan process and other matters in accordance with the Functions and Responsibilities Regulations. Unfortunately, a minor correction was required to that Appendix because express reference to Supplementary Planning Documents (SPDs) in paragraph 8, 15 and 16 had not been amended. In accordance with the Functions and Responsibilities Regulations the Planning Policy and Local Plan Committee can only recommend SPDs onto Cabinet for approval.

Cabinet, at its meeting held on 29 May 2020, decided, inter alia:-

"that Appendix G, as attached to this report, be submitted to Full Council as a replacement to Appendix E to the March 2020 Constitution review report, which was then subsequently

approved by the Leader of the Council (on behalf of the Cabinet) for submission to Full Council."

The other changes to the Constitution as approved by Cabinet at its meeting held on 29 May 2020 will be considered by Council at a later date.

RECOMMENDATION

That Council resolves that:

- (a) the Council's Constitution be amended to reflect the proposed changes, as set out in the appendices attached hereto this report;**
- (b) all changes come into effect from the date on which they are approved by Full Council;**
- (c) Group Leaders be commended to strongly urge that all Members attend planning and licensing training events which would both increase the number of named substitutes that Group Leaders would have at their disposal as well as providing Members with greater knowledge of the workings of the Council that will prove useful to them in their Ward and wider representational roles; and**
- (d) the Monitoring Officer be requested to undertake a review of the public speaking scheme for the Planning Committee in accordance with Council Procedure Rule 40, as now amended.**

BACKGROUND PAPERS

There are no background papers (as defined by the Local Government Act 2000) arising from this report.

APPENDICES

A.3

APPENDIX A	Part 2	Article 4 – The Full Council
APPENDIX B	Part 2	Article 6 – Overview and Scrutiny Function
APPENDIX C	Part 2	Article 7 – The Cabinet (Executive)
APPENDIX D	Part 2	Article 12 - Officers
APPENDIX E (as amended by Cabinet on 29/05/20)	Part 3	Scheme of Delegation – Planning Policy & Local Plan Committee
APPENDIX F	Part 3	Scheme of Delegation – HR Sub-Committee
APPENDIX G	Part 4	<u>Council Procedure Rules – Section One</u> Rule 1 – Annual Meeting of the Council & Rule 16 – Rules of Debate
APPENDIX H		Rule 2 – Budget & Council Tax Setting
APPENDIX I		Rule 4 – Extraordinary Meetings
APPENDIX J		Rule 11 – Questions by Members & Rule 3 – Ordinary Meeting
APPENDIX K		Rule 12 – Motions on Notice
APPENDIX L		Rule 17 – State of Tending Statement

APPENDIX M		Rule 19 - Voting
APPENDIX N	Part 4	<u>Council Procedure Rules – Section Two</u> Rule 40 – Public Speaking Scheme
APPENDIX O	Part 5	Overview & Scrutiny Procedure Rules
APPENDIX P	Part 5	Procurement Procedure Rules
APPENDIX Q	Part 5	Petitions Scheme; and
APPENDIX R	Part 4	Council Procedure Rule 30 - Petitions
APPENDIX S		Report of the Corporate Finance and Governance Portfolio Holder as published for the meeting of the Cabinet due to have been held on 20 March 2020 and which had to be cancelled due to the Covid-19 public health emergency