

# COUNCIL

16 MARCH 2021

## REPORT OF THE MONITORING OFFICER

### A.3 REVIEW OF THE CONSTITUTION

(Report prepared by Ian Ford, Committee Services Manager)

#### **PURPOSE OF THE REPORT**

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

#### **BACKGROUND**

On 19 February 2021 Cabinet considered a report of the Corporate Finance and Governance Portfolio Holder which 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 main proposals cover a number of miscellaneous amendments to the Council Procedure Rules, Article 10 of the Constitution and the Property Dealing Procedure in order to ensure the Council's Constitution remains effective, efficient and consistent at an operational level.

The Portfolio Holder's Report and accompanying Appendices which were considered by Cabinet at its meeting on 19 February 2021 are attached as Appendices.

The Cabinet's decision at its meeting held on 19 February 2021 was as follows:-

***“RESOLVED that Cabinet –***

1. RECOMMENDS TO COUNCIL:

- (a) *that the Council's Constitution be amended to reflect the proposed changes as set out in the Portfolio Holder's report and the appendices attached hereto;*
- (b) *that the previously approved provisions (i) and (ii), as set out below, should be discontinued:-*
  - (i) *Members who were following the proceedings of a meeting via the public 'live stream' should inform Officers that they were doing so via an email to democratic services or to the contact Officer listed on the agenda for that meeting and that they should send a second email when they have ceased to follow the proceedings; and*
  - (ii) *in order for that attendance referred to in (i) above to 'count' such attendance must be for a minimum period of time e.g. 30 minutes.*
- (c) *that all changes come into effect on 28<sup>th</sup> April 2021 i.e. the day after the Annual Meeting of the Council.*

2. RESOLVES that:

- (a) *the Standards Committee be requested to examine whether a change to the Members'*

*Code of Conduct is required in relation to Members' Declarations of Interest in virtual meetings and that, in the meantime, the Monitoring Officer be requested to issue a guidance note to Members to re-iterate that Members should adhere to Paragraph 9 of the Code and should withdraw from the meeting connection/link at the appropriate juncture; and*

*(b) the views and wishes expressed by the Review of the Constitution Portfolio Holder Working Party in relation to Members' training and development be endorsed and that the Head of Democratic Services & Elections be requested to take all necessary action to implement those wishes as soon as possible."*

## **RECOMMENDATION**

**That, subject to Members' consideration of the recommendations of the Cabinet arising from its meeting on 19 February 2021, Council resolves:**

- (a) That the Council's Constitution be amended to reflect the proposed changes, as set out in Appendices A to F attached hereto this report;**
- (b) That the previously approved provisions (i) and (ii), as set out below, should be discontinued:-**
  - (i) Members who were following the proceedings of a meeting via the public 'live stream' should inform Officers that they were doing so via an email to democratic services or to the contact Officer listed on the agenda for that meeting and that they should send a second email when they have ceased to follow the proceedings; and**
  - (ii) in order for that attendance referred to in (i) above to 'count' such attendance must be for a minimum period of time e.g. 30 minutes.**
- (c) That all changes come into effect on 28th April 2021 i.e. the day after the Annual Meeting of the Council; and**
- (d) That Cabinet's decisions in respect of the following be endorsed namely:-**
  - (i) that the Standards Committee be requested to examine whether a change to the Members' Code of Conduct is required in relation to Members' Declarations of Interest in virtual meetings and that, in the meantime, the Monitoring Officer be requested to issue a guidance note to Members to re-iterate that Members should adhere to Paragraph 9 of the Code and should withdraw from the meeting connection/link at the appropriate juncture; and**
  - (ii) that the views and wishes expressed by the Review of the Constitution Portfolio Holder Working Party in relation to Members' training and development be endorsed and that the Head of Democratic Services & Elections be requested to take all necessary action to implement those wishes as soon as possible.**

## **BACKGROUND PAPERS**

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

**APPENDICES****A.3**

<b>APPENDIX A</b>	<b>Part 4</b>	<b><u>Council Procedure Rules – Section One</u> Rule 6 – Notice of, and Summons to, Meeting Rule 9 – Duration of Meeting</b>
<b>APPENDIX B</b>	<b>Part 4</b>	<b><u>Council Procedure Rules – Section Two</u> Rule 35 – Meetings of Committees  Rule 33.3 – Training Members of the Audit, Licensing &amp; Registration, Planning and Standards Committees</b>
<b>APPENDIX C</b>		<b>Rule 36 – Attendance at Meetings</b>
<b>APPENDIX D</b>	<b>Part 2</b>	<b>Article 10 – Area Committees &amp; Forums (Community Consultation and Participation)</b>
<b>APPENDIX E</b>	<b>Part 5</b>	<b>Property Dealing Procedure</b>
<b>APPENDIX F</b>	<b>Part 2</b>	<b>Article 2 – Finance, Contracts and Legal Matters</b>
<b>APPENDIX G</b>		<b>Report of the Corporate Finance and Governance Portfolio Holder which was submitted to the meeting of the Cabinet held on 19 February 2021</b>