

COUNCIL

24 JANUARY 2023

JOINT REPORT OF THE MONITORING OFFICER AND THE CABINET

A.4 ANNUAL REVIEW OF THE COUNCIL'S CONSTITUTION

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

In accordance with the provisions of Article 15.02 (a) and (c) of the Council's Constitution, to approve the recommended changes to the Constitution put forward by the Monitoring Officer and the Cabinet following a review undertaken by the Corporate Finance and Governance Portfolio Holder through a Working Party constituted for this purpose.

EXECUTIVE SUMMARY

On 16 December 2022, 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, Articles of the Constitution, Overview and Scrutiny Procedure Rules, the Property Dealing Procedure, the Procurement Procedure Rules, the Financial Procedure Rules and Delegated Powers in order to ensure the Council's Constitution remains effective, efficient and consistent at an operational level.

A summary of the proposed changes compared to the existing Parts of the Constitution is provided under each heading in the background section of this report and in each case, the content has been revised to provide greater clarity, ensure effectiveness and efficient up to date working practices for both Members and Officers and also to ensure it is in accordance with legislation, where necessary.

RECOMMENDATION

That subject to Members' consideration of the recommendations of the Cabinet arising from its meeting on 16 December 2022, Council resolves that:

- (a) the Council's Constitution be amended to reflect the proposed changes as set out in Appendices A to M attached hereto this report and that those changes come into immediate effect;**
- (b) Council notes and endorses the Monitoring Officer's firmly reiterated advice that Members using the "Approval of the previous Minutes" item on agendas as a way of raising matters from that previous meeting, whether loosely connected or not, is not acceptable as such actions did not comply with the need to give the requisite public**

notice of matters that would be discussed at a committee etc. meeting i.e. it breached local government law;

(c) Council further notes and endorses the proposed change to Article 7.08 (Cabinet Procedure Rule 1.5), as set out in Appendix N; and

(d) Council additionally notes that:-

(i) the Centre for Governance and Scrutiny, Lawyers in Local Government and the Association of Democratic Services Officers are proposing to issue guidance in the area of “call-ins” of Executive decisions and so it is likely that this Council will need to look further at this in 2023 (and particularly its implications for Overview and Scrutiny Procedure Rules 17 and 18) once that guidance is issued;

(ii) the practice guides prepared by the Head of Democratic Services & Elections to assist members of Overview and Scrutiny Committees and support officers to develop appropriate approaches to individual enquiries would be reviewed in Autumn 2023;

(iii) the Council’s Procurement Strategy and the Procurement Procedure Rules will need to be reviewed once the Procurement Bill (HL) currently at Report Stage in the House of Lords is enacted and come into effect; and

(iv) the review of the Council’s procedure for Planning Committee Site Visits as set out in the Members’ Planning Code and Protocol (in Part 6 of the Constitution) is still ongoing although at this current time no constitutional changes have been highlighted as being necessary.

REASON(S) FOR THE RECOMMENDATION(S)

Having considered the outcome of the annual review of the Constitution and the Cabinet’s recommendations arising therefrom, and in order to enable those recommendations to be approved and adopted.

ALTERNATIVE OPTIONS CONSIDERED

- (1) Not to approve some or all of the Cabinet’s recommendations;
- (2) To amend or substitute some or all of the Cabinet’s recommendations.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Agreeing the proposed changes will ensure that the Council demonstrates good governance and operates efficiently in pursuit of its priorities.

OUTCOME OF CONSULTATION AND ENGAGEMENT

The outcome of the annual review of the Constitution by the Review of the Constitution Portfolio Holder Working Party is reported elsewhere in this report. During the review members of the working Party consulted, as appropriate, the members of their respective political groups.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

In accordance with Section 37 of the Local Government Act 2000, as amended, a local authority operating executive arrangements must prepare and keep up to date a document which contains a copy of the authority's standing orders for the time being and such other information as the authority considers appropriate.

Schedule 1 to the Local Authorities (Functions and Responsibilities) Regulations 2000, as amended, sets out functions which must not be the responsibility of the Executive and therefore rests with Council or its committees. The power to make amendments to the standing orders and the Constitution rests with full Council.

Article 15 of the Council's Constitution provides that changes to the Constitution are approved by Full Council after receiving a recommendation from Cabinet following consideration of a proposal from the Monitoring Officer and a recommendation via the Portfolio Holder with responsibility for corporate governance. Article 15 also provides authority to the Monitoring Officer to make minor changes to the Constitution arising from changes to the organisational structure of the Council.

Article 12 of the Constitution provides that the Council's Monitoring Officer will ensure the Constitution is up to date. This function takes into account legislative requirements and best practice.

Section 19 of the Police and Justice Act 2006 states:

- (1) Every local authority shall ensure that it has a committee (the "crime and disorder committee") with power—
 - (a) to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions;
 - (b) to make reports or recommendations to the local authority with respect to the discharge of those functions....
- (3) A local authority must—
 - (a) ensure that its crime and disorder committee has power (whether by virtue of [\[section 9F\(2\)\]](#) or 21(2) of the [Local Government Act 2000](#)² or regulations made under [\[section 9JA\(2\)\]](#) or [32\(3\)\]](#)³ of that Act or otherwise) to make a report or recommendations to the local authority with respect to any matter which is a local crime and disorder matter in relation to a member of the authority, and
 - (b) make arrangements which enable any member of the authority who is not a member of the crime and disorder committee to refer any local crime and disorder matter to the committee.

Regulation 4 of the Crime and Disorder (Overview and Scrutiny) Regulations 2009/942 states:

"A crime and disorder committee shall meet to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions as the committee considers appropriate but no less than once in every twelve month period."

FINANCE AND OTHER RESOURCE IMPLICATIONS	
Risk	
Providing clarity through clearer and consistent procedure rules contained within the Constitution prevents confusion and different interpretation and enhances the Council's overall governance arrangements.	
X	The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:
The Section 151 Officer provided feedback on some of the proposed amendments through the review.	
USE OF RESOURCES AND VALUE FOR MONEY	
The following are submitted in respect of the indicated use of resources and value for money indicators:	
A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	N/A
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	N/A
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	N/A
MILESTONES AND DELIVERY	
Annual review of the Constitution carried out by the Review of the Constitution Portfolio Holder Working Party – October and November 2022.	
Submission of Corporate Finance & Governance Portfolio Holder's recommendations to formal Cabinet meeting – 16 December 2022.	
Submission of Cabinet's recommendations to Full Council for approval and adoption – 24 January 2023.	
Implementation of approved changes to the Constitution – 25 January 2023.	
ASSOCIATED RISKS AND MITIGATION	
Not implementing the amendments to the Constitution will negatively impact the Council's governance arrangements.	
EQUALITY IMPLICATIONS	
The purpose of the Constitution is to:	
<ol style="list-style-type: none"> 1 Provide key elements of the Council's overall governance arrangements; 2 Enable decisions to be taken efficiently and effectively; 3 Create an effective means of holding decision-makers to public account; 4 Enable the Council to provide clear leadership to the community, working in partnership with the local community, businesses and other organisations for the long term well-being of the District; 5 Support the involvement of the local community in the process of local authority decision 	

- making;
- 6 Ensure that no one will review, or scrutinise, a decision in which they were directly involved;
 - 7 Help Councillors represent their residents more effectively;
 - 8 Ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for their decisions; and
 - 9 Provide the framework and structure in which cost effective quality services to the community are delivered.

SOCIAL VALUE CONSIDERATIONS

None

IMPLICATIONS FOR THE COUNCIL’S AIM TO BE NET ZERO BY 2030

The Council’s previous decision in March 2022 to continue with the encouragement of Members to opt out of the default position of receiving printed copies of the summons of a meeting (with agendas and reports) before reverting to solely receiving summons via electronic notifications from May 2023 is consistent with the Council’s policy of its operations becoming carbon neutral by 2030.

OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder	None
Health Inequalities	None
Area or Ward affected	None directly.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The Review of the Constitution Portfolio Holder Working Party (CRWP)’s membership included the Portfolio Holder and Councillors Allen, Barry, Coley, I J Henderson, M E Stephenson, Talbot, Wiggins and Winfield (with Councillors Baker, Fowler and Placey as designated substitutes). The CRWP met on 24 October, 14 November and 21 November 2022, and reviewed various areas of the Constitution and submitted, via the Portfolio Holder for Corporate Finance & Governance, various proposals.

Cabinet, at its meeting held on 16 December 2022 (Minute 83 refers), considered those proposals and following that meeting the following changes are recommended (note that references to Part numbers relate to the Constitution prior to any amendments now submitted):

(a) Council Procedure Rules – Section 1 (Full Council)(Part 4.1 to 4.24):

Rule 8 – Quorum

In order to provide clarity as to the actions the Chairman should take if, at the time that it is scheduled to start, the meeting is found to be inquorate. Currently, Rule 8 only sets out the action to be taken in the event that the meeting becomes inquorate after it has started.

Rule 11 – Questions by Members

Considered whether the text of a Question submitted pursuant to Rule 11 should be printed within the Council Book given that the question usually also contained a statement, and given that the Council had had a recent occurrence when it had been alleged that that accompanying statement had not been factually correct.

Rule to be amended so that only the text of the Question will be included within the full Council Agenda. None of the accompanying preamble or explanatory statements (if any) submitted by the Questioner will be so included (Rule 11.2). The minutes of the Council meeting will record the text of the question plus any preamble or supporting statement (if any) together with the response given thereto and that, if appropriate, a question of clarification and a response was asked and given, without detailing the content (Rule 11.7).

Rule 11.8 amended to clarify that the time limit of two minutes for asking the question includes the making of any preamble or statements in support of that question.

Rule 11.9 amended to clarify that once the Council meeting has commenced a Member may withdraw their question with the consent of the Chairman.

Rule 16.5 (Amendments to Motions)

Minor amendment of clarification.

Rule 19 (Voting)

Amended to include, inter alia, a clarifying paragraph (new Rule 19.1) to make it clear that a Member should not vote if they have not been present for the whole of the consideration of that item.

Consequential “knock-on” amendments to Rule 25.1 (Suspension of Council Procedure Rules) and Rule 32 (Application to Committees and Sub-Committees).

Rule 20 (Minutes)

The CRWP considered at the Monitoring Officer’s request the content of the Minutes of Council, Committee or Sub-Committee meetings. The Monitoring Officer felt that this was especially relevant for the Planning Committee, particularly as the Courts, within their judgements had looked at the content of the minutes, as a record of the discussion within the meeting in order to give an indication of what had been taken into account before the decision had been made, whilst accepting that not everything could be included i.e. the Minutes could not be a verbatim record of the proceedings.

The Monitoring Officer also raised the issue of the “Approval of the previous Minutes” item on agendas being used as a way of raising matters from that previous meeting, whether loosely connected or not. The Monitoring Officer had reiterated firmly to Members that this did not comply with the need to give the requisite public notice of matters that would be discussed at a committee etc. meeting i.e. it breached local government law.

Rule 20.2 (Form of Minutes) to be amended to clarify that the Minutes of committee and sub-committee meetings will include only summarised details of the issues covered in the debate when that body is considering applications, hearings and appeals or receiving evidence. In addition, when a Member has submitted their apologies for absence, and if so requested by the Member concerned, the Minutes will record the reason for their

absence.

Rule 32 (Application to Committees and Sub-Committees)

To add, inter alia, a reference to Rule 15 (Motions or Questions affecting persons employed by the Council) within Rule 32 in order to correct an omission given that the text of Rule 15 specifically refers to meetings of a committee or sub-committee. A consequential amendment be made to Rule 15 itself in order to remove some superfluous words.

*The proposed changes to the Council Procedure Rules (Section 1) are shown in **RED** in **Appendix A**.*

(b) Council Procedure Rules – Section 2 (Committees)(Part 4.25 to 4.31):

Rule 34 (Appointment of Substitute Members of Committees, Sub-Committees and Working Parties)

The Working Party considered at the Monitoring Officer's request whether a substitution should apply for the whole meeting of a committee or sub-committee or whether the Member being substituted should have the option of appointing a substitute for a particular Agenda item or items only.

Rule 34.2 (Eligibility and Effect) to be amended to make it clear that a substitution applies for the whole meeting of a committee or sub-committee.

Rule 36 – Attendance at Meetings

To include a formal right for the Portfolio Holder with the responsibility for Planning to attend and to speak, on behalf of the Cabinet, on strategic planning issues that are to be considered by the Planning Policy & Local Plan Committee.

Amendments to clarify, inter alia, the rights of the Mover of the Motion under Rule 12 should their motion be referred by full Council to a Committee.

*The proposed changes to Section 2 of the Council Procedure Rules are shown in **RED** in **Appendix B**.*

(c) Article 4.01(a) – Policy Framework – Review of Local Choice inclusions

The Working Party noted that the Monitoring Officer (MO) will be exercising her delegated powers (under Article 15.02(b) – Changes to the Constitution) to delete the Sustainable Community Strategy from the Policy Framework as the Council is no longer required by statute to produce one (Deregulation Act 2015 – Section 100(1)).

The Working Party also reviewed the list of "local choice" plans and strategies included within the Policy Framework and decided to recommend that the reference to the IT Strategy and Information Governance should be deleted and a reference to the Social Value Policy should be added.

*Proposed changes to Article 4 are shown in **RED** in **Appendix C**.*

(d) Article 6 – Overview and Scrutiny Function (Part 2): (Part 2.13 to 2.15)

Article 6.02(i) (Community Leadership Overview & Scrutiny Committee: Terms of Reference)

In order to make it clear and obvious that the Community Leadership Overview & Scrutiny Committee is the Council's designated "crime and disorder committee" for the purposes of fulfilling the requirements of the Police and Justice Act 2006.

*The proposed changes to Article 6 are shown in **RED** in **Appendix D**.*

(e) Article 7.08 (Cabinet Procedure Rule 1.5)

In order to make clear that where a Member has submitted a Motion to Council under the proposed new Council Procedure Rule 12.2 and that motion has been referred to the Cabinet under new Rule 12.6 or new Rule 12.7, that Member will have the right to attend the relevant meeting of the Cabinet and present their Motion, as appropriately permitted under new Rule 12.10.

*Proposed changes to Article 7 are shown in **RED** in **Appendix E**.*

(f) Article 13.03 (Key Decisions)

In order to incorporate a regular review mechanism for the definition of a Key Decision and to clarify the circumstances in which an executive decision would not necessarily have to be treated as a Key Decision.

*Proposed changes to Article 13.03 are shown in **RED** in **Appendix F**.*

(g) Licensing and Registration Committee: Terms of Reference and Delegated Powers

The Working Party considered a recommendation made by the Licensing and Registration Committee, at its meeting held on 31 August 2022, that the delegated powers under that Committee be amended insofar as, in future, any requests to amend the Hackney Carriage Fare Scale will be determined by Officers, in consultation with the Chairman of that Committee and that the full Committee will become involved only in the event that public representations are received in response to the statutory Public Notice.

The Working Party also considered and endorsed the outcome of the wider review of the terms of reference and delegated powers of the Licensing and Registration Committee and its Sub-Committees carried out by the Head of Democratic Services & Elections and the Licensing Manager which put forward a number of other changes.

*The proposed changes to the terms of reference and delegated powers of the Licensing and Registration Committee are shown in **RED** in **Appendix G**.*

(h) Planning Committee: Terms of Reference and Delegated Powers

The Working Party reviewed the terms of reference and delegated powers of the Planning Committee and put forward a change in relation to increasing the amount of time available to a Tending District Councillor to make a request in accordance with the Members' Referral Scheme that a planning application should be referred to the Planning Committee.

*The proposed change to the terms of reference and delegated powers of the Planning Committee is shown in **RED** in **Appendix H**.*

(i) Overview and Scrutiny Procedure Rules (Part 5)

Rule 8 (Agenda Items)

To include a provision to enable any member of the authority who is not a member of the crime and disorder committee to refer any local crime and disorder matter to that committee (i.e. the Community Leadership Overview & Scrutiny Committee).

Rule 10 (Procedure at Committee Meetings)

In order to clarify and confirm that Council Procedure Rule 38 (Questions on Notice at Committees and Sub-Committees) does apply to meetings of the Council's overview and scrutiny committees.

Other proposed changes to Rules 1, 4, 6, 7, 11, 12, 13, 15 and 16 reflect the outcome of the review of the Overview and Scrutiny Procedure Rules undertaken by the Council's lead officer for the overview and scrutiny function, Keith Simmons (Head of Democratic Services & Elections) with a view to amending them, where felt appropriate, in order to reflect the recent operational experience of conducting task and finish reviews through working groups and the holding of informal meetings of the overview and scrutiny committees.

The Working Party also noted that:-

(1) the Centre for Governance and Scrutiny, Lawyers in Local Government and the Association of Democratic Services Officers are proposing guidance in the area of "call-ins" of Executive decisions and so it was likely that the Council would need to look further at this in 2023 (and particularly its implications for Overview and Scrutiny Procedure Rules 17 and 18) once the guidance was issued; and

(2) the practice guides prepared by the Head of Democratic Services & Elections to assist members of Overview and Scrutiny Committees and support officers to develop appropriate approaches to individual enquiries would be reviewed in Autumn 2023.

*The proposed changes to the Overview & Scrutiny Procedure Rules are shown in **RED** in **Appendix I**.*

(j) Financial Procedure Rules (Part 5): (Part 5.32 to 5.62)

In order to clarify that an Officer Decision will be required in relation to virements in certain circumstances.

*The proposed change to the Financial Procedure Rules is shown in **RED** in **Appendix J**.*

(k) Property Dealing Procedure (Part 5): (Part 5.63 to 5.65)

In order to, inter alia, amend the Property Dealing Procedure (including the table in Appendix A (Levels of Decision Making)) having reviewed the levels of decision making for acquisitions and/or disposal of property as set out in the Property Dealing Procedure (PDP).

*Proposed changes to the Property Dealing Procedure are shown in **RED** in **Appendix K**.*

(l) Procurement Procedure Rules (Part 5): (Part 5.66 to 5.80)

In order to, inter alia, update Officer responsibilities and references to EU rules following a review of the Rules by the Assistant Director (Finance & IT) and the Assistant Director (Governance).

The Working Party also noted that the Council's Procurement Strategy and the Procurement Procedure Rules would need to be reviewed once the Procurement Bill (HL) currently at Report Stage in the House of Lords was enacted and came into effect.

*The proposed changes to the Procurement Procedure Rules are shown in **RED** in **Appendix L**.*

(m) Scheme for Dealing with Petitions (Part 5): (Part 5.86 to 5.91)

To make a minor amendment to Section 1 (How to Submit a Petition to the Council) to reflect the fact the E-petitions are required to be submitted to the Council via the petitions function on the Council's website and not via email. The opportunity has also been taken to clarify the formal status, or lack of it, of e-petitions throughout the process, together with other minor amendments arising from recent operational experience.

*The proposed changes to the Scheme for Dealing with Petitions are shown in **RED** in **Appendix M**.*

(n) Members' Referral Scheme for Planning Applications (Part 6): (Part 6.54 to 6.56)

To make a change in relation to increasing the amount of time available to a Tending District Councillor to make a request in accordance with the Members' Referral Scheme that a planning application should be referred to the Planning Committee and to make it clear that reasons for making such a request should be included.

*The proposed changes to the Members' Referral Scheme for Planning Applications are shown in **RED** in **Appendix N**.*

OTHER MATTERS CONSIDERED BY THE CRWP AND REPORTED TO CABINET AND NOTED:

(o) Planning Committee: Pooling of Substitute Members

At the meeting of the Standards Committee held on 6 April 2022 (Minute 32 refers) and:-

"In response to a request made by Councillor Alexander, the Monitoring Officer (Lisa Hastings) undertook to refer the issue of whether a member of the Planning Committee should be enabled to appoint their substitute from a different political group to their own to the Review of the Constitution Portfolio Holder Working Party for its consideration."

The CRWP considered that issue at its meeting held on 14 November 2022 (Note 14 refers). The CRWP recalled that the exact same request had been made by Councillor Alexander at the Standards Committee meeting held on 5 February 2020 (Minute 25 refers) which had been referred to the CRWP and considered by it at its meeting held on 25 February 2020 (Note 25 refers). The CRWP had decided, inter alia, on that occasion not to put forward as a recommendation the use of 'pooled substitutes' at Planning Committee.

At its meeting held on 14 November 2022 the CRWP reiterated its previous decision i.e. not to put forward as a recommendation the use of 'pooled substitutes' at Planning Committee.

(p) Review of the Procedure for Committee Site Visits

Following a very difficult situation with members of the public at a site visit ahead of the meeting of the Planning Committee held on Thursday 22 September 2022 and at the request of the Monitoring Officer, the CRWP, at its meeting held on 14 November 2022, had an initial discussion on the procedure for committee site visits as set out in section 7 of the Members' Planning Code and Protocol (February 2021).

At that particular site visit the local Parish Council had encouraged public attendance to lobby the Planning Committee members.

During that initial discussion by the CRWP the following matters had been raised:-

- (1) What was the purpose of a site visit?
- (2) Whether every planning application going before the Planning Committee did, in fact, merit a pre-meeting Member site visit;
- (3) What was the definition of "lobbying"?
- (4) Whether the attendance of parish councils and/or the public at Planning Committee site visits should be allowed to continue;
- (5) The role of the Chairman in leading the Planning Committee's site visits and whether such site visits should instead be led by a senior Planning Officer; and
- (6) Whether the Officer(s) in attendance should keep a record of the interaction between the Committee members and the public etc. at the site visits.

The CRWP subsequently, at its meeting held on 21 November 2022, was informed that a survey had been emailed to all Members of the Council to ascertain their views on this matter with a deadline for responses of 25 November 2022. In addition, Officers discussed the matter informally with members of the Planning Committee on 24 November 2022. It is intended that the results of the survey will be reported to the All Member Briefing early in 2023. Any changes that are felt to be necessary in relation to the Site Visits Procedure and the wider Constitution will be considered, as appropriate, by the Planning Committee and the Review of the Constitution Portfolio Holder Working Party and thence, via Cabinet, by the Full Council.

COUNCIL PROCEDURE RULE 12 (MOTIONS ON NOTICE) AND OTHER CONSEQUENTIAL CHANGES

In accordance with the decision of Full Council taken at its meeting held on 29 March 2022 (Minute 150 referred), the CRWP discussed the outcome of the fundamental review by Officers of the way in which Motions on Notice submitted in accordance with Council Procedure Rule (CPR) 12 were dealt with procedurally at meetings of the Full Council. The CRWP expressed their compliments to the drafting of a new procedure which was welcomed as being clearer

and worked on the principle of a motion being debated at the Full Council meeting to which it was put, unless there were reasons not to, following Officers' advice.

The CRWP, via the Portfolio Holder, proposed to Cabinet that the current Rule 12 be deleted and replaced in its entirety by a new proposed Rule 12, with a consequential amendment to Rule 14.

Cabinet, at its meeting held on 16 December 2023, decided to defer the proposed changes to Council Procedure Rules 12 and 14 pending their further consideration at an All Members' workshop and thence a further re-consideration at another meeting of the Review of the Constitution Portfolio Holder Working Party.

PREVIOUS RELEVANT DECISIONS

Full Council, at its meeting held on 29 March 2022 (Minute 150 refers), decided, inter alia, that:

“the Review of the Constitution Portfolio Holder Working Party be requested to carry out a fundamental review during 2022 of the way in which Motions to Council, submitted in accordance with Council Procedure Rule 12, are dealt with procedurally and that the results of that review be submitted to Full Council, via the Cabinet, in due course.”

The Cabinet's decision at its meeting held on 16 December 2022 (Minute 83 refers) was as follows:-

“RESOLVED:-

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

- (a) *the Council's Constitution be amended to reflect the proposed changes, as set out in Appendices A to D and F to N attached hereto this report, with the exception of the proposed changes to Council Procedure Rules 12 and 14... which are deferred at this time;*
- (b) *Council notes and endorses the Monitoring Officer's firmly reiterated advice that Members using the “Approval of the previous Minutes” item on agendas as a way of raising matters from that previous meeting, whether loosely connected or not, is not acceptable as such actions did not comply with the need to give the requisite public notice of matters that would be discussed at a committee etc. meeting i.e. it breached local government law;*
- (c) *Council further notes and endorses the proposed change to Article 7.08 (Cabinet Procedure Rule 1.5); and*
- (d) *Council additionally notes that:-*
 - (i) *the Centre for Governance and Scrutiny, Lawyers in Local Government and the Association of Democratic Services Officers are proposing to issue guidance in the area of “call-ins” of Executive decisions and so it is likely that this Council will need to look further at this in 2023 (and particularly its implications for Overview and Scrutiny Procedure Rules 17 and 18) once that guidance is issued;*
 - (ii) *the practice guides prepared by the Head of Democratic Services & Elections to assist members of Overview and Scrutiny Committees and support officers to develop appropriate approaches to individual enquiries would be reviewed in Autumn*

2023;

(iii) the Council's Procurement Strategy and the Procurement Procedure Rules will need to be reviewed once the Procurement Bill (HL) currently at Report Stage in the House of Lords is enacted and come into effect; and

(iv) the review of the Council's procedure for Planning Committee Site Visits as set out in the Members' Planning Code and Protocol (in Part 6 of the Constitution) is still ongoing although at this current time no constitutional changes have been highlighted as being necessary."

For Full Council's information only the Cabinet further **RESOLVED** –

(2) That Cabinet **resolves** that Cabinet Procedure Rule 1.5 be amended to reflect the proposed change..."

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

Notes of the meetings of the Review of the Constitution Portfolio Holder Working Party held on 24 October, 14 November and 21 November 2022.

Report of the Corporate Finance and Governance Portfolio Holder which was submitted to the meeting of the Cabinet held on 16 December 2022.

Minutes of the meeting of the Cabinet held on 16 December 2022.

APPENDICES

A.4

APPENDIX A	Part 4	<u>Amended Council Procedure Rules – Section One</u>
APPENDIX B	Part 4	<u>Amended Council Procedure Rules – Section Two</u>
APPENDIX C	Part 2	Articles of the Constitution – Article 4 (Policy Framework)
APPENDIX D	Part 2	Articles of the Constitution – Article 6 (Overview & Scrutiny Function)
APPENDIX E	Part 2	Articles of the Constitution – Article 13 (Decision Making)
APPENDIX F	Part 3	Delegated Powers (Licensing and Registration Committee)
APPENDIX G	Part 3	Delegated Powers (Planning Committee)
APPENDIX H	Part 5	Overview and Scrutiny Procedure Rules - Amendments
APPENDIX I	Part 5	Financial Procedure Rules - Amendment
APPENDIX J	Part 5	Property Dealing Procedure – Amendments
APPENDIX K	Part 5	Procurement Procedure Rules – Amendments
APPENDIX L	Part 5	Scheme for Dealing with Petitions
APPENDIX M	Part 6	Members' Referral Scheme for Planning Applications
APPENDIX N	Part 2	Articles of the Constitution – Article 7 (Executive)

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