

COUNCIL

19 MARCH 2024

JOINT REPORT OF THE MONITORING OFFICER AND THE CABINET

A.3 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 February 2024 (Minute 91 refers), 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 Articles of the Constitution, Access to Information Procedure Rules, Overview and Scrutiny Procedure Rules, the Financial Procedure Rules, the Webcasting Protocol, the Members' Referral Scheme for Planning Applications (Planning Code & Protocol), the Members' Allowances Scheme, the Functions and Delegated Powers of Portfolio Holders, Committees and Proper Officers and Officer Employment Procedure Rules, 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 February 2024, Council resolves that:

- (a) the Council's Constitution be amended to reflect the proposed changes as set out in Appendices A to L attached hereto this report;**
- (b) Council notes and endorses that a comprehensive review of the Constitution will be undertaken and that it is likely to take place in 2025-2026; and**

(c) Council notes, welcomes and endorses that the Monitoring Officer, in consultation with the Corporate Finance & Governance Portfolio Holder, intends to exercise her delegated powers and make amendments to the following part of the Council's Constitution:-

Article 10 (Community Consultation and Participation) - Table 2 will be updated.

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. All Members were consulted as to whether to change the commencement time of meetings of the Planning Committee. In addition, the members of the planning Committee were consulted as to the proposed changes to the Planning Committee's scheme of delegation and also the proposed changes to the Members' Referral Scheme for Planning Applications. The Cabinet's recommendation as to the commencement time of Planning Committee meetings is reported elsewhere on this Council Agenda.

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.

The Local Authorities (Standing Orders) (England) Regulations 2001/3384 require the District Council which is operating executive arrangements to have standing orders relating to its staff which include the provisions set out in Schedule 1 and must have standing orders for regulating its proceedings and business which include the provisions set out in Schedule 2 (or provisions to the like effect). The standing orders must be the appropriate ones for the particular form that the executive takes (as set out in different Parts of Schedules 1 and 2). The Human Resources Sub-Committee Terms of Reference have previously been updated to reflect those roles covered by the Regulations however, the Officer Employment Procedure Rules (within Part 5) require amendment. These changes have been made and shown in **RED** within **Appendix L**.

The Section 151 and Monitoring Officers have discussed and agreed that any delegation in respect of carry forwards, referred to below, should be exercised in accordance with principles established by Cabinet in the budget annual out-turn report.

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:
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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 – December 2023 and January 2024.

Submission of Corporate Finance & Governance Portfolio Holder's recommendations to formal Cabinet meeting – 16 February 2024.

Submission of Cabinet's recommendations to Full Council for approval and adoption – 19 March 2024.

Implementation of approved changes to the Constitution (where they do not have an immediate effect) – from commencement of the 2024/2025 Municipal Year.

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:

- 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

There are no direct implications.

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 (Councillor M E Stephenson) as well as Councillors Guglielmi, I J Henderson, P B Honeywood, Talbot and Wiggins. The CRWP met on 13 December 2023 and

on 15 & 18 January 2024 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 February 2024 (Minute 91 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) Article 6 – Overview and Scrutiny Function (Part 2): (Part 2.13 to 2.14)

Article 6.02 (Community Leadership Overview & Scrutiny Committee & Resources and Services Overview & Scrutiny Committee: Terms of Reference)

In order to clarify that each Overview and Scrutiny Committee will scrutinize/review the parts of the Council's Budget that are relevant to that Committee's terms of reference.

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

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

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

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

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

The Working Party considered and endorsed the proposed amendments to the terms of reference and delegated powers of the Planning Committee following a review by the Head of Planning & Building Control and put forward additional changes in relation to, inter alia,:-

- (i) a delegated authority for the Director (Planning), in consultation with the Chairman of the Planning Committee, to extend the time for the completion of a Section 106 Agreement for two further periods of six months at which point it would need to return to the Planning Committee for a decision as to whether to further extend the time or instead to now refuse planning permission on the grounds that the Section 106 Agreement had not been completed; and
- (ii) allowing a degree of flexibility around the 35 day cut-off date to permit a late call-in if a Ward Member suddenly becomes aware of an issue relating to that planning application.

*The proposed changes to the terms of reference and delegated powers of the Planning Committee are shown in **RED** in **Appendix C**.*

(d) Standards Committee: Terms of Reference and Delegated Powers

The Working Party considered and endorsed the proposed amendment to delegation number 3 under Proceedings (Part 3.25) in order to make it clear that this was in accordance with the Hearings Procedure.

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

(e) Proper Officer Delegated Powers

The Working Party considered and endorsed the proposed amendments to Part 3, Schedule 4 – Proper Officers (Part 3.48 & 3.49) in order to take account of the appointment of a Deputy Electoral Registration Officer for the purposes of reviews and Voter ID Certificates et cetera.

*The proposed changes to the delegated powers of Proper Officers are shown in **RED** in **Appendix E**.*

(f) Access to Information Procedure Rules (Part 5)

The Working Party considered and endorsed the proposed amendments to Access to Information Procedure Rules 10, 11, 14 and 15. The proposed changes relate to:-

- (i) Rule 10 (Exclusion of Access by the Public to Meetings) = new Rule 10.5 to include Hearings Regulations under the Licensing Act 2003 and the Gambling Act 2005 – presumption hearings will be in public unless deemed in the public interest;
- (ii) Rule 11 (Exclusion of Access by the Public to Reports) = Include reference to a Review Date being needed within the Report at which point the need for the report to be Part B will be re-examined;
- (iii) Rule 14 (General Exception) = include text that GE decisions are still subject to call-in unless exemption granted / exception applies under O&SPR18; and
- (iv) Rule 15 (Special Urgency) = include text that Special Urgency decisions are automatically exempt from call-in.

*The proposed changes to the Access to Information Procedure Rules are shown in **RED** in **Appendix F**.*

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

The Working Party considered and endorsed the proposed amendments to Overview & Scrutiny Procedure Rules 7, 17 and 18. The proposed changes relate to:-

- (i) Rule 7 (Work Programme) = include within the bullet points that the (draft) work programme will include provision for budget scrutiny and scrutiny of the Treasury Management Strategy;
- (ii) Rule 17 (Call-In) = Rule 17(o) (Withdrawal of a Call-In) to be amended to clarify that if a Member withdraws their call-in after the expiry of the call-in period then the call-in automatically falls and the Decision can be implemented in accordance with its original timetable; and
- (iii) Rule 18 (Exceptions to Call-In) = to be amended to reflect substance of the proposed changes to Access to Information Procedure Rules 14 and 15.

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

(h) Financial Procedure Rules (Part 5)

The Working Party considered and endorsed the proposed amendment to Financial Procedure Rule 6 (Changes to Budgets after approval by Council); specifically by amending Rule 6.1.5 (b): increase Single Item level to £1million and Aggregate level to £1.5million.

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

(i) Members' Referral Scheme for Planning Applications (Part 6): (Part 6.59 to 6.61)

The Working Party considered and endorsed the proposed clarification on Part 6.59 that Planning Committee Members do not need to provide a material planning consideration (in order to avoid pre-determination) for a referral but do need to provide reasons why it could be considered of significant importance to the wider District or planning policy. In addition, the Working Party endorsed that Members are REQUIRED to use the standard letter for their referral requests and not (as presently stated) Requested.

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

(j) Members' Allowances Scheme (Part 7): (Part 7.4 and 7.8)

The Working Party considered and endorsed the proposed amendments to Part 7.4, Section 3.2 (Documenting Entitlement to Allowances) in order to change the emphasis to reflect current operational practice. In addition, the Working Party endorsed the deletion of Appendix 1 which is now superfluous to requirements.

*The proposed changes to the Members' Allowances Scheme are shown in **RED** in **Appendix J**.*

12. Protocol for Web-casting of Formal Council Meetings and for Public Filming and Recording of Meetings

At its meeting held on 15 January 2024 (Note 18 refers) and at the request of the Head of Democratic Services & Elections, the Working Party discussed how long the Council should retain recordings of webcasts of meetings of the Council, Cabinet and Committees et cetera. Following that discussion it was:-

AGREED that the Working Party requests the Corporate Finance & Governance Portfolio Holder to recommend to Full Council (via the Cabinet) that:-

(1) the Protocol for webcasting of formal Council meetings and for public filming and reporting of meetings be amended as follows –

(a) that the time limit for the retention of webcasts be extended to four years (from the current two years); and

(b) that the appropriate committees and sub-committees be included within the section headed "Which meetings are webcast" in the Protocol.

(2) a further review of the Protocol be carried out in approximately two years' time when matters such as the archiving of webcasts will be looked at.

*The proposed changes to the Protocol for webcasting of formal Council meetings and for public filming and reporting of meetings are shown in **RED** in **Appendix K**.*

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

1. Planning Committee: Pooling of Substitute Members

At its meeting held on 13 December 2023 (Note 4 refers), the Working Party considered, for the third time of asking, a Member's request that a member of the Planning Committee should be enabled to appoint their substitute from a different political group to their own.

Following the discussion of that further request the Working Party had, once more, decided not to recommend the use of 'pooled substitutes' for the Planning Committee as it was felt that it would interfere with the rules of political proportionality and the prerogatives of Group Leaders.

2. Planning Committee: Public Speaking Scheme

Further to Note 16 (15.1.24), the Working Party discussed, at length, whether to recommend that the public speaking scheme for the Planning Committee should be amended to include provision for the relevant County Division Member to speak on planning applications before that Committee.

Following that discussion, the Leader of the Council undertook to talk to County Councillors representing the District, members of the Planning Committee and to look at what other local authorities in Essex did before deciding what recommendations, if any, to put before the Cabinet.

3. Planning Committee: Proposed Change of Start Time of its Meetings

Following the decision of Full Council (28.11.23 – Minute 79 refers) that the proposal from the Planning Committee for its scheduled meetings to commence at 5.00 p.m., rather than 6.00 p.m., be referred to the Review of the Constitution Portfolio Holder Working Party for its consideration, and recommendation thereon to Cabinet, and thence back to Council for its final determination, the Working Party considered at its meeting held on 13 December 2023 (Note 2 refers) how it would obtain the views of Members and other interested parties, on this matter.

The Working Party had agreed *that* –

1. *all Members of the Council be surveyed as to which of the following options for the start time of Planning Committee meetings they support:-*
 - (1) *afternoon, following the Committee's site visits;*
 - (2) *5.00 p.m.;*
 - (3) *6.00 p.m.*
2. *Members be requested to give their reasons as to why they have supported that option;*
3. *the deadline for submissions be set at Friday 5th January 2024 in order to allow*

Officers to collate the results of the survey in readiness for the next meeting of the Working Party in January 2024; and

- 4. a reminder about the survey and its deadline be sent to Members on Tuesday 2nd January 2024.*

At its meeting held on 18 January 2024 (Note 26 refers) the Working Party considered the views of Members on this matter and decided to recommend to Cabinet (via the Portfolio Holder) that the proposal from the Planning Committee for its scheduled meetings to commence at 5.00 p.m., rather than 6.00 p.m., should be approved and that if a Ward Member / referrer for a planning application so requests, the Officers, in consultation with the Chairman of the Committee, should make every effort to list that particular planning application later on in the Planning Committee's agenda.

The Cabinet, at its meeting held on 16 February 2024, endorsed the above recommendation. The matter of the commencement time of Planning Committee meetings is reported elsewhere on this Council Agenda.

5. Recent CfGS Publications

At its meeting held on 13 December 2023 (Note 5 refers) the Working Party considered whether any changes to the Constitution were required arising from the recent CfGS publications on:-

Call-In;

Delegations; and

Council Constitutions.

To aid it in its discussions the Working Party had before it a briefing note prepared by the Head of Democratic Services & Elections. It was agreed *that* –

(a) the contents of the briefing note be noted; and

(b) the matters raised in the CfGS publications be borne in mind for the future comprehensive review of the Constitution likely to take place in 2024-2025.

6. Cabinet / Scrutiny Protocol: Review of its Implementation and Effectiveness

At its meeting held on 13 December 2023 (Note 6 refers), members of the Working Party gave feedback on the operation so far of the Cabinet/Scrutiny Protocol. The Working Party also considered whether any amendments to the Protocol needed to be put forward. In addition, the Working Party discussed Portfolio Holder Working Parties and how closely their composition needed to reflect the overall political proportionality on the Council.

Officers undertook to reflect on the wording of any future invitations to Group Leaders to nominate Members to serve on a Portfolio Holder Working Party in order to emphasise that the Working Party's composition should 'broadly' reflect rather than 'strictly' the overall political makeup of the Council. Following a discussion of the Protocol it was agreed *"that the operation of the Cabinet/Scrutiny Protocol is working well and that therefore the Working Party does not need to recommend any changes to the Protocol at this time."*

7. Overview and Scrutiny Committees

At its meeting held on 13 December 2023 (Note 9 refers) the Working Party reviewed, inter alia, whether there should continue to be two Overview & Scrutiny Committees (OSCs) or whether TDC should revert to having one OSC.

On Friday 8th December 2023 a meeting under the auspices of the Cabinet / Overview & Scrutiny Protocol had been held involving the Leader of the Council, the Deputy Leader of the Council, the Chairman of the Resources and Services Overview & Scrutiny Committee and the Chairman of the Community Leadership Overview & Scrutiny Committee, at which meeting that matter had been discussed.

Following a discussion it was agreed, inter alia, *“that the matter of whether there should continue to be two Overview & Scrutiny Committees (OSCs) or whether TDC should revert to having one OSC should be considered as part of any future comprehensive review of the Council’s Constitution”*.

8. Council Procedure Rules

At its meeting held on 13 December 2023 (Note 10 refers) the Working Party considered whether to endorse the proposed amendments to the Council Procedure Rules 11 and 16. The proposed changes related to:-

- (a) Rule 11.1 – amendment to limit Leader/Portfolio Holder Statements to Council to 3 minutes duration; and
- (b) Rule 16.3 – new provision that the Leader (or their nominated representative) of a political group that is not represented on the Cabinet can speak, in response, for up to an equal amount of time as the Leader of the Council did on their presentation of the Budget to Full Council.

Members’ feedback was also requested on the recently introduced practice of not including the preamble of questions under Rule 11.2 within the published Council Agenda.

Following a discussion of the above matters it was agreed that -

- (1) the Working Party will not request the Corporate Finance & Governance Portfolio Holder to recommend to Full Council (via the Cabinet) that Council Procedure Rules 11 and 16 be amended to incorporate the proposed changes; and
- (2) the practice of not including the preamble of questions under Rule 11.2 within the Council Agenda should be discussed further at a future meeting of the Working Party.

In accordance with resolution (2) above, the Working Party at its meeting held on 15 January 2024 (Note 19 refers) further considered the recently introduced practice of not including the preamble of questions under Rule 11.2 within the Council Agenda. The Working Party also considered whether any amendments to the Procedure Rule needed to be put forward. The Working Party decided that it did not need to recommend any changes to Council Procedure Rules 11.2 or 11.7 at this time but that these Procedure Rules be reviewed again in approximately two years’ time.

In addition, at that meeting held on 15 January 2024 (Note 20 refers), and further to

resolution (b) of Minute 106 of the meeting of the Full Council held on 2 March 2023, the Working Party reviewed the implementation of the new Council Procedure Rule 12 following its first half year of operation (i.e. since the commencement of the 2023/2024 Municipal Year). The Working Party decided that it did not need to recommend any changes to Council Procedure Rule 12 at this time but that this Procedure Rule be reviewed again in approximately two years' time.

9. Monitoring Officer's Amendments under Delegated Powers

At its meeting held on 18 January 2024 (Note 24 refers) the Working Party noted that the Monitoring Officer intended to exercise her delegated powers and make amendments to the following parts of the Council's Constitution:-

Article 10 (Community Consultation and Participation) - Table 2 will be updated, in consultation with the Corporate Finance & Governance Portfolio Holder;

Article 12 (Officers) – Section 12.01 (b) – Functions and Areas of Responsibility will be updated;

Leisure & Public Realm Portfolio Holder responsibilities - correction of wrong Assistant Director in relation to beaches/beach huts;

Procurement Procedure Rule 1.1 - change reference to "PING" to read "Council's Intranet"; and

Link to Terms of Reference of Committees etc. to be included on the relevant page on TDC website.

10. Formatting of the Constitution: Proposed Review

At its meeting held on 18 January 2024 (Note 30 refers) the Working Party endorsed that, as part of the next future fundamental review of the Constitution, a review of its "formatting" et cetera be carried out in order to make it more "digitalisation friendly" and that, at the same time, the opportunity be taken to produce a new "user friendly" version from scratch removing such impediments as the awkward headers and footers and unnecessary repetitions etc.

11. Officer Employment Procedure Rules and the Terms of Reference & Delegated Powers of the Human Resources and Council Tax Committee and its Sub-Committee

At its meeting held on 18 January 2024 (Note 29 refers) and further to the decision taken by Full Council at its meeting held on 29 March 2022 which followed the receipt previously of a letter from The Joint Negotiating Committee for Chief Executives of local authorities the Monitoring Officer explained to the Working Party the purpose of a review of the terms of reference and delegated powers of the Human Resources and Council Tax Committee and its sub-committee which would look in particular at the relevant Human Resources policies and the model procedures for an Appeals Committee for the dismissal of the statutory officers. In addition, a 'knock on' review of the Officer Employment Procedure Rules would need to take place.

Following a suggestion made by the Chief Executive the Working Party revisited the composition of the Human Resources Sub-Committee Panel, which was the body that formed part of the recruitment process for the appointment of Senior Officers (as defined

in Paragraph 3 of Part 11 of Schedule 2 of the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended)).

The Leader of the Council undertook to consult the Assistant Director (Partnerships) and the Head of People on the matters raised by the Working Party before deciding whether he wished to make any recommendations to Cabinet on this matter.

The Officer Employment Procedure Rules have been reviewed by the Monitoring Officer in light of the requirements of the Local Authorities (Standing Orders)(England) Regulations 2001 and the proposed changes to the Rules are set out and shown in **RED** in **Appendix L**. The review regarding appeals still needs to be undertaken.

12. Corporate Finance & Governance Portfolio Holder Delegated Powers

The Working Party considered and endorsed the proposed amendment to the Corporate Finance & Governance Portfolio Holder's delegations to include a reference to "carry forwards" in number 3 of the additional specific delegations in Part 3 – Schedule 3 – Section 4.3 - Additional Specific Delegations to Individual Portfolio Holders.

The proposed change to the delegated powers of the Corporate Finance & Governance Portfolio Holder was endorsed by Cabinet at its meeting held on 16 February 2024.

The Section 151 and Monitoring Officers have subsequently discussed and agreed that any delegation in respect of carry forwards, should be exercised in accordance with principles established by Cabinet in the budget annual out-turn report.

PREVIOUS RELEVANT DECISIONS

Full Council, at its meeting held on 24 January 2023 (Minute 75 refers), decided, inter alia, that:

(a) *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;*

Full Council, at its meeting held on 2 March 2023 (Minute 106 refers), decided, inter alia, that:

(b) *the implementation of the new Council Procedure Rule 12 be reviewed after six months' operation;*

The Cabinet's decision at its meeting held on 16 February 2024 (Minute 91 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 K and M attached hereto this report;*

- (b) Council notes and endorses that a comprehensive review of the Constitution will be undertaken and that it is likely to take place in 2025-2026;*
- (c) in accordance with the outcome of consultation with Members, the commencement time of meetings of the Planning Committee should be amended to 5.00 p.m. and that if a Ward Member / referrer for a planning application so requests, the Officers, in consultation with the Chairman of the Committee, should make every effort to list that particular planning application later on in the Planning Committee's agenda; and*
- (d) Council notes, welcomes and endorses that the Monitoring Officer, in consultation with the Corporate Finance & Governance Portfolio Holder, intends to exercise her delegated powers and make amendments to the following part of the Council's Constitution:-*

Article 10 (Community Consultation and Participation) - Table 2 will be updated.

2. That Cabinet -

- (a) notes that the Leader of the Council will exercise his delegated power (as set out in Schedule 3 (Responsibility for Executive Functions) of Part 3 of the Council's Constitution and specifically principle 1(ii) of Section 3 (General Principles regarding Decision Making by the Cabinet – Part 3.27) to approve the proposed change to the delegated powers of the Corporate Finance & Governance Portfolio Holder, as set out in Appendix L attached hereto this report;*
- (b) endorses that a comprehensive review of the Constitution, including its formatting etc. will be undertaken and that it is likely to take place in 2025-2026;*
- (c) notes that the Leader of the Council will further investigate whether to recommend, in due course, that the public speaking scheme for the Planning Committee should be amended to include provision for the relevant County Division Member to speak on planning applications before that Committee;*
- (d) notes that the Leader of the Council has undertaken to consult the Assistant Director (Partnerships) and the Head of People on the matters raised by the Working Party in relation to the composition of the Human Resources Sub-Committee Panel, which is the body that forms part of the recruitment process for the appointment of Senior Officers (as defined in Paragraph 3 of Part 11 of Schedule 2 of the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended)) before deciding whether he wishes to make any recommendations to Cabinet on this matter;*
- (e) notes, welcomes and endorses that the Monitoring Officer intends to review the terms of reference and delegated powers of the Human Resources and Council Tax Committee and its sub-committee which would look, in particular, at the relevant Human Resources policies and the model procedures for an Appeals Committee for the dismissal of the statutory and chief officers;*
- (f) notes, welcomes and endorses that the Monitoring Officer, in consultation with the Corporate Finance & Governance Portfolio Holder, intends to exercise her delegated powers and make amendments to the following part of the Council's Constitution:-*

Article 10 (Community Consultation and Participation) - Table 2 will be updated

(g) notes, welcomes and endorses that the Monitoring Officer intends to exercise her delegated powers and make amendments to the following parts of the Council's Constitution:-

Article 12 (Officers) – Section 12.01 (b) – Functions and Areas of Responsibility will be updated;

Leisure & Public Realm Portfolio Holder responsibilities - correction of wrong Assistant Director in relation to beaches/beach huts;

Procurement Procedure Rule 1.1 - change reference to “PING” to read “Council's Intranet”; and

Link to Terms of Reference of Committees etc. to be included on the relevant page on TDC website.”

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

Notes of the meetings of the Review of the Constitution Portfolio Holder Working Party held on 13 December 2023, 15 January and 18 January 2024.

Report of the Corporate Finance and Governance Portfolio Holder which was submitted to the meeting of the Cabinet held on 16 February 2024.

Minutes of the meeting of the Cabinet held on 16 February 2024.

APPENDICES

A.3

APPENDIX A	Part 2	Articles of the Constitution – Article 6 (Overview & Scrutiny Function)
APPENDIX B	Part 3	Delegated Powers & Terms of Reference (Licensing and Registration Committee)
APPENDIX C	Part 3	Delegated Powers & Terms of Reference (Planning Committee)
APPENDIX D	Part 3	Delegated Powers & Terms of Reference (Standards Committee)
APPENDIX E	Part 3	Proper Officers – Delegated Powers
APPENDIX F	Part 5	Access to Information Procedure Rules - Amendments
APPENDIX G	Part 5	Overview and Scrutiny Procedure Rules - Amendments
APPENDIX H	Part 5	Financial Procedure Rules - Amendment
APPENDIX I	Part 6	Members' Referral Scheme for Planning Applications
APPENDIX J	Part 7	Members' Allowances Scheme - Amendments
APPENDIX K	Part 6	Protocol for Web-casting of Formal Council Meetings and for Public Filming and Recording of Meetings
APPENDIX L	Part 5	Officer Employment Procedure Rules

REPORT CONTACT OFFICER(S)	
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