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| **REPORT TO** | **ON** | |
| **Council** | **27 November 2020** | |
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| **TITLE** | | **REPORT OF** | |
| **Constitution Review** | | **Director of Governance & Monitoring Officer** | |

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| Is this report confidential? | **No** |

**PURPOSE OF THE REPORT**

1. To seek approval of changes to the constitution. These changes will include removal of repetition, changes to the council’s standing orders and changes in relation to Executive Member Decision making processes. The report will also seek approval of an updated report template.

**RECOMMENDATIONS**

1. That the following amendments to the constitution are recommended to full Council for adoption
   1. Terms of Reference to for Council, Executive Cabinet and Committees
   2. Standing Orders
   3. Scheme of Delegation – as it relates to committees and Cabinet.
2. That the process for Executive Decisions be amended to be member led.
3. That the report template be approved for adoption.

**EXECUTIVE SUMMARY**

1. Members are asked to consider the report that was presented to Governance Committee on 17 November which sets out the background to this paper Appendix A.
2. Below will detail the results of the discussions held at that Committee.
3. Presented to members for consideration and approval at Appendices B and C are the draft amended constitution documents.
4. The amended template is contained at Appendix D.

**CORPORATE PRIORITIES**

1. The report relates to the following corporate priorities:

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| An exemplary Council | X |
| Thriving communities |  |
| A fair local economy that works for everyone |  |
| Good homes, green spaces, healthy places |  |

**GOVERNANCE COMMITTEE 17 NOVEMBER 2020**

1. The Committee received the proposed amendments to the constitution in 2 appendices. The first primarily related to the terms of reference for committee meetings and the roles of the different council bodies, members and officers.
2. The proposed changes which included amending the constitution to provide for member led decision making were approved save the suggested amendment that would have supporting limiting public speaking was not supported and has not been included in the attached draft. The proposed documents are found at Appendix …… to this report.
3. Members are asked to consider document 2 Decision Making. The highlighted text supports the move to Executive Member led decision making. Also document 3B Decision Making – Executive Cabinet. The highlighted text sets out the delegations for executive member led decision making.
4. Appendix C attached are the proposed amendments to Council Standing Orders. The document attached reflects those approved by Governance Committee.
5. Proposed amendments rejected by Governance Committee were:-
   1. In relation to questions to Members, the proposal was extend to cover both the Leader and Executive Cabinet rather than the Leader only. Initially this proposal was to remove the agenda item right to ask questions of members with special responsibilities;
   2. Public Participation at meetings. The proposal was to limit this to the right to ask questions on notice. There was no appetite for members to apply this change, the view being expressed that there are existing limitations on participation at meetings by the public, and there are significant benefits in the continued participation. Further, members expressed the view that the Chair of the meeting has significant powers to manage participation should any present seek to abuse their rights. The proposed changes have been withdrawn;
   3. Member participation at Planning Committee. It was proposed to limit this right to ward councillors. Governance Committee were unsure as to the correct approach and asked that 2 alternatives be presented to Council for consideration, the status quo and a wording that limited to ward councillors subject to exceptions.
6. The following amendments to Standing Orders (SO) were accepted
   1. SO 2 – the agenda item to ask questions of members with special responsibilities without notice was limited to the Leader and Executive Cabinet;
   2. SO 8.2 – an amendment to the process for accepting amendments to the minutes
   3. SO13 – right to ask questions of members with special responsibilities without notice was limited to the Leader and Executive Cabinet;
   4. SO 14.3 – confirms members raising point of personal explanation or point of order must not speak until invited by the mayor;
   5. SO 14.5(d) – enables the mayor to invite members to speak again if it will assist the debate;
   6. SO 14.14 – strengthens the provision in relation to respect for the chair to reflect the proposal from Governance Committee that the Chair of meetings should use their powers to control the meeting;
   7. SO 16.4 – amends the process for requesting a recorded vote.
   8. SO 16.6 – is deleted, removing the right for members to request in the absence of a full recorded vote, that their personal vote be recorded in the minutes;
   9. SO 23 – in relation to requests to reconsider a previous decision or motion, requires details of any change in circumstances to be submitted with the request.
   10. SO 34 – It was proposed to limit the participation by non- committee members to Ward Councillors. The issue raised was that on planning matters, councillors should not attend and speak in their councillor capacity if it were a personal representation. If they are speaking in a representative capacity then the appropriate councillor to speak is the ward councillor. It was agreed during the meeting that there should be caveats to this limitation to recognise some applications may have cross ward boundary or borough implications and to enable councillors to speak where the ward councillors are unable to do so for any reason.

There was not agreement however at committee as to whether the changes should have been made in any event or whether the status quo should be maintained.

At SO 34.1(iii) 2 alternative wordings are provided and Council is asked to indicate their preferred wording.

* 1. SO 35 – the wording here has been amended to enable urgent committee decisions to be taken recognising the changes to executive decision making.

1. Since the Governance Committee meeting on 17 November Cllr Margaret Smith has asked that the following be presented to Council
   1. That the provisions concerning questions to members with special responsibilities remain unchanged and include the right to ask all such members questions;
   2. That the suggested changes to the right for all councillors to speak at Planning Committee remain unchanged; and
   3. That the current arrangements for hybrid meetings, requiring non-committee member councillors to register to speak in advance of the meeting be lifted as this will bring some normality to the current process which is likely to continue for some time.

**REPORT TEMPLATE**

1. Part of the feedback from members has been to review the reports being presented. As a result a new draft template has been prepared and is attached to this report. It simplifies and reduces the information presented by removing unnecessary elements. This information will still be presented if relevant.
2. Members are asked to support the new template.

**COMMENTS OF THE STATUTORY FINANCE OFFICER**

1. No Comments

**COMMENTS OF THE MONITORING OFFICER**

1. In the body of the report

**OTHER IMPLICATIONS:**

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| * **Risk** * **Equality & Diversity** | Included in the report.  None as a result of this report. |

**BACKGROUND DOCUMENTS**

None.

**APPENDICES**

Appendix A – Report to Governance Committee – 17 November 2020

Appendix B – Draft Amended Constitution

Appendix C – Draft Amended Standing Orders

Appendix D – Proposed report template

Chris Moister

Monitoring Officer

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| Report Author: | Telephone: | Date: |
| Chris Moister (Director of Governance) | - | November 2020 |