

Report to COUNCIL

Constitution - Consequential Amendments

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Reason for Decision

The report highlights, on grounds of good governance, consequential amendments that were made to the Council Constitution during 2020 by the Director of Legal/Monitoring Officer under delegated powers.

Recommendation

1. That the report be noted.

Constitution Consequential Amendments

1 Background

- 1.1 At meetings of the Council held on 8th January and 17th June 2020, arising from a general review of the Council's Constitution, specific reviews of the Land and Property Protocol and arrangements relating to Planning decision making, and Regulations providing for ongoing governance arrangements due to the Covid pandemic, the Council agreed revisions to Parts 1 (Introduction), 2 (Articles), 3 (Responsibility for Functions), 4A-E and H (Procedure Rules), 5(e) (Codes and Protocols: Land and Property Protocol) and 8 (Appendices: Appendix 3 Protocols). On both occasions, the Council authorised the Director of Legal to make any consequential amendments to the Council Constitution.
- 1.2 Arising from the above approvals the Director of Legal reviewed the Constitution and, in addition to incidental amendments such as formatting of content intended to better signpost users around the Constitution, made the following consequential amendments –
- Part 1 – Introduction
 - Citizens' rights – clarification that the provision of 28 days notice of consideration of private business applies to executive meetings generally, and that complaints concerning potential breaches of the Code of Conduct should be made to the Monitoring Officer – amendments made to align with content in Part 4B (Access to Information Procedure Rules) and Part 3 (Responsibility for Functions) approved by Council in January and June 2020 respectively.
 - Part 2 – Articles
 - Article 5 (The Mayor, Deputy Mayor, Youth Mayor and Deputy Youth Mayor) – clarification that the Mayor will be elected and the Deputy Mayor appointed at the annual meeting of the Council – amendment made to align with the provisions of Part 4A (Council Procedure Rules) approved by Council in January 2020; and
 - Article 13 (Officers) – new content at Articles 13.1.3 and 13.1.4 to define posts of 'Chief Officer' and 'Deputy Chief Officer' in statutory terms – amendment made to align with the provisions of Part 4H (Employment Procedure Rules) approved by Council in June 2020.
 - Part 4C – Budget and Policy Procedure Rules
 - Paragraph 1 – Clarification that references to the 'Budget' includes related policies and strategies – amendment made to align with the provisions of Part 2 Article 4 (The Full Council) approved by Council in January 2020; and
 - Paragraphs 3 and 4 – Clarification that procedures relating to decisions outside the Budget and Policy Framework apply also to Committees or Boards of the Cabinet – amendment made to align with content in Part 3 (Responsibility for Functions) approved by Council in July 2020.
 - Part 8 Protocols
 - Appendix 3 – Aligning reference to the availability of Overview and Scrutiny Committee agenda with content in Part 4B (Access to Information Procedure Rules) approved by Council in June 2020.
- 1.3 Part 2 Article 16 of the Constitution also authorises the Monitoring Officer (Director of Legal) to make amendments to the published Constitution –
- a) arising from decisions of the Council;
 - b) arising from changes made by the Leader of the Council in respect of the discharge of executive functions; and

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- c) incidental changes arising as a result of approved organisational change, including officer designations for the purposes of schemes of delegation.

- 1.4 The following amendments have been made in respect of provision a) above -
- Part 4A (Council Procedure Rules) – provision of electronic means of voting at meetings of the Council approved by the Council in September 2020;
 - Part 4F (Financial Procedure Rules) – revised Procedure Rules approved by Council in January 2020;
 - Part 5B (Officers Code of Conduct) - revised Appendix 2 included on approval of revised Whistleblowing Policy by Council in July 2020; and
 - Part 6 (Members Allowance Scheme) – revised Scheme approved by Council in June/July 2020.

- 1.5 No amendments have been made with regard to provisions b) or c) beyond those adopted by Council.

2 Consultation

- 2.1 None – this report is for information.

3 Background Papers

- 3.1 None.

4 Appendices

- 4.1 None.