

Report to ANNUAL MEETING OF THE COUNCIL

Council Constitution

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Reason for Decision

To invite the Annual Meeting of the Council to consider amendments to the constitution and to re-affirm the Council Constitution as a matter of good governance

Recommendations

1. That the Council re-affirms the Council Constitution, subject to the inclusion of revisions to the Council Procedure Rules, the Officer Scheme of Delegation, Responsibility for functions in respect of Employment Appeals, Statutory and Proper Officer arrangements and Traffic Regulation Order panel procedures as identified in this report or any further matters that might be agreed at this Annual Meeting.

Council Constitution

1 Background

- 1.1 While the Council's Constitution can be amended by the Council during the course of a Municipal Year, it is suggested that as a matter of good governance the Council should re-affirm the Council Constitution on an annual basis.
- 1.2 The Council's Constitution is published on the Council's website and is up to date with all Constitutional matters considered and agreed by the Council up to and including the meeting held on 16th March 2022.
- 1.3 In considering the Council's Constitution, the Annual Meeting is asked to give consideration to the following matters –

(a) Part 4A – Council Procedure Rules

(i) Public Question Time

The Council meeting has historically had the most public participation of any meeting during question time. The time limit, which has varied over the years, is generally fully utilised with remaining questions and responses being published on the Council's website following the meetings. During the 'Big Conversations' around the Borough, residents suggested that the time limit be extended to ensure full participation to provide for more democratic accountability. It is proposed that the time limit be extended to 30 minutes from the current 15 minutes and that questions can only be submitted by those who reside or own a business within the Borough, with names and addresses supplied. Further it is proposed that the deadline for submission of public questions be amended to noon on the day prior to a Council meeting and that the ground for exclusion of questions which relates to "conduct of individual members" be removed. This exclusion was intended to cover questions about continuing standards processes but the scope of the exemption is too wide.

To accommodate the extra 15 minutes public question time it is further proposed that Joint Authority/arrangements Minutes are removed from the council agenda. The council meeting exercises no functions in relation to the Joint Authorities, and the minutes are submitted for noting only. The minutes for each body are published through the relevant websites and are publicly available should any member wish to access them. While there is currently an opportunity to ask questions on the minutes, any future questions could be asked directly of the relevant spokesperson for each body outside the meeting or during Cabinet Question time.

The proposals contained above would require amendment to Council Procedure Rules 2.1.3(h1) to increase the time limit for public questions; 2.1.3(h2) to include the opportunity for members to ask questions of a Joint Authority representative; and deletion of 2.1.3(h4) relating to submission of minutes of Joint Arrangements bodies; 10.1 to amend the deadline for submission of public questions; and deletion of 10.2(f) to remove the exclusion of questions concerning Member conduct.

(ii) Motions to Council

At each Council meeting, Political groups submit and debate Notices of Motions. This section of the agenda has for a number of years been separated into two items - Administration Motions and Opposition Motions – each with a time limit of 30 minutes per item. The time limit is almost always utilised for each item, sometimes with an extension being granted to ensure a motion is debated fully, or a motion is moved and seconded and voted upon without fully being debated. To ensure that debate can take place in a fair manner and without extending the time limits, it is proposed that the Administration has a maximum of two Motions within their 30 minutes time limit; and that each Opposition Group has a maximum of one Motion. Each opposition group motion is restricted to 10 minutes per motion unless the Minority Opposition Group do not submit a motion in which case the time limit for main opposition group motions be extended to 15 minutes per motion. The Main Opposition Group(s) Motion being considered first, with the order of consideration of Main Opposition Group business alternating between meetings in the event of there being more than one Main Opposition Group.

The proposals contained above would require amendment to Council Procedure Rules 2.1.3(j) to specify two Notices of Administration business; and to 2.1.3(k) to specify the arrangements for consideration of Opposition Groups' business.

(b) Consequential amendments to the Constitution

(i) Officer delegations and other references

At the meeting held on 3rd November 2021, Council agreed recommendations setting out revisions to the Council's Senior Management Team structure. This managerial restructuring which includes changes to officer designations and responsibilities requires, where appropriate, amendment to the Constitution to ensure that Officer delegations and other references are properly reflected. Article 16.3.2(c) of the Constitution authorises the Monitoring Officer to amend the Constitution in respect of incidental changes arising as a result of approved organisational change, including officer designations for the purposes of schemes of delegation, and such amendments will be undertaken accordingly as the restructure progresses. The amended Officer Scheme of Delegation is contained at Appendix 1.

(ii) Deputy District Leads

At the meeting held on 3rd November 2021, Council agreed to the appointment of five District Leads and of Deputy District Leads in the North and East Districts. While Constitutional provision for District Leads within Article 10 had been agreed by the Council in July 2021, this did not reference Deputy District Leads. Article 16.3.2(a) of the Constitution authorises the Monitoring Officer to make amendments to the Constitution arising from any decision of the full Council and a new Article 10.2.5 "Deputy District Leads be appointed in the North and East Districts, recognising that they each fall into two distinct communities" has been introduced, reflecting the November 2021 Council consideration.

(c) Part 3 – Responsibility for Functions

(i) Employment Appeals

Historically, elected Members have dealt with employment appeals, including against dismissal of staff. It is proposed that this practice changes and appeals are dealt with by senior Officers, namely, Directors or above or equivalent to deal with such appeals except for Chief Officers and such Deputy Chief Officers as might be determined by the Employment Committee.

The proposal contained above would require the deletion of employment appeals within the terms of reference of the Appeals Committee at Section 4.11.1 of Part

3; and the addition of a second bullet point at Section 9B (General Delegations to Officers), paragraph 1.1.4(g) (Discipline and Dismissal) of Part 3 to indicate that employment appeals are to be considered by the Chief Executive or such senior Officer as determined by the Chief Executive.

(ii) Statutory and Proper Officers

Section 10 of Part 3 includes details of the principal Proper and Statutory Officers of the Council, noting also that the “Chief Executive is authorised to take any act as the Council’s “Proper Officer” for the purpose of any function not otherwise delegated under the arrangements in this Part of the Council’s Constitution, or to delegate to another Officer of the Council to act as ‘Proper Officer’ in any particular circumstance”. It is considered appropriate to provide a more detailed listing of the Council’s Proper Officer arrangements and delegation of functions, attached at Appendix 2.

(d) Part 8 – Appendix 3 - protocols

At the Council meeting on the 15th December 2021, Council agreed a procedure for public participation in relation to the consideration of Traffic Regulation Orders and Public Spaces Protection Orders at meetings of the Traffic Regulation Order Panel. It has been suggested that this procedure be extended to any other orders coming before the Panel such as the consideration of Footpath Diversion Orders. It is therefore proposed that the traffic regulation order panel public participation procedure be extended to other functions of the panel with the Director of Legal in consultation with the chair of the panel be given delegated powers to confirm arrangements based on the principles contained in the December 2021 report and the Director of Legal be authorised to amend the constitution accordingly.

2 Options/Alternatives

- 2.1 Option 1 – To re-affirm the Council Constitution with amendments as outlined.
Option 2 – Not to agree to re-affirm the Council Constitution.

3 Preferred Option

- 3.1 Option 1 is the preferred option to ensure that the Council’s governance framework remains valid and the Constitution can be relied upon in law.

4 Consultation

- 4.1 Discussion has taken place with the Leader and Leaders of the Main opposition groups.

5 Financial Implications

- 5.1 N/A

6 Legal Services Comments

- 6.1 Legal comments are provided in the body of the report.

7. Co-operative Agenda

- 7.1 N/A

8. Human Resources Comments

8.1	N/A
9	Risk Assessments
9.1	N/A
10	IT Implications
10.1	N/A
11	Property Implications
11.1	N/A
12	Procurement Implications
12.1	N/A
13	Environmental and Health & Safety Implications
13.1	N/A
14	Equality, community cohesion and crime implications
14.1	N/A
15	Equality Impact Assessment Completed?
15.1	No
16	Key Decision
16.1	No
17	Key Decision Reference
17.1	N/A
18	Background Papers
18.1	None.
19	Background Papers
19.1	None.
20	Appendices
20.1	Appendix 1 – Officer Scheme of Delegation. Appendix 2 – Statutory and Proper Officer Scheme.