

# Governance and Ethics Committee

25 March 2022

<b>Report title</b>	Changes to the Constitution	
<b>Cabinet Member with lead responsibility</b>	Councillor Paula Brookfield Cabinet Member for Governance and Equalities	
<b>Wards affected</b>	All Wards	
<b>Accountable director</b>	David Pattison, Chief Operating Officer	
<b>Originating service</b>	Democratic Services	
<b>Accountable employee</b>	Jaswinder Kaur	Democratic Services Manager
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<b>Report to be considered by</b>	Council	6 April 2022

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## Recommendations for decision:

The Governance and Ethics Committee recommends that Council:

1. Approves the amendments to the Constitution as detailed in this report.
2. Authorises the Monitoring Officer to implement the changes.

## 1.0 Purpose

- 1.1 This report outlines the changes made to the constitution for approval by the Council. It is recommended that the Council agrees to the amendments to the Council's Constitution to ensure continuing lawfulness and effectiveness.

## 2.0 Background

- 2.1 The Governance and Ethics Committee regularly receives reports seeking to update the Constitution where it is necessary, the last such report was on 22 October 2021.
- 2.2 The changes being brought forward are following a full review of the Constitution.
- 2.3 The Constitution has been reviewed in totality and remodelled based on the model produced for local authorities by a national firm of solicitors, Bond Dickinson model. This is to ensure the constitution is clear and concise and that the decision-making processes can be followed by all.
- 2.4 Only those parts of the constitution listed below are amended, the other parts will remain unchanged.
- 2.5 This is part of a series of reports – there will be additional reports brought forwards to review the other parts of the constitution. This is an ongoing process and important that this takes place as and when the changes are needed. A further report will be brought forward shortly covering Part 3 delegations to officers, this is currently being updated.

## 3.0 Changes to the Constitution

- 3.1 The table below details the Articles/Sections to be changed:

Section	Proposed	Rationale
Part 4 – Full Council Procedure Rules	Motions on Notice, specify that motions on notice will be taken at ordinary meetings of the Council, except the AGM, Council Tax and Budget setting.	To reflect the practice of the Council and ensure it is captured within the constitution.
	Content and length of speeches, specify a mover of a amended motion may speak for 10 minutes.	To provide clarity on length of speech for an amended motion.
	Questions by Members of the Public, following agreement at a previous Council meeting introduce a protocol for	To allow citizens to have the right to participate in the Council's question time and to provide clarity on the procedure to be followed for

Section	Proposed	Rationale
	questions by members of the public.  Amendment to rule 19.1 to include ensuring Councillors are respectful to each other	questions by members of the public.  To ensure that there is respectful behaviour at meetings

#### **4.0 Financial implications**

4.1 There are no financial implications arising from the proposed amendments to the Constitution. [AS/24032022/A]

#### **5.0 Legal implications**

5.1 The Council is required by Section 37 of the Local Government Act 2000 to prepare and publish a Constitution which contains its standing orders relating to decision-making, finance and contracts. The Council is also required to keep its Constitution updated. The Director of Governance is authorised under the constitution to make amendments which more accurately reflect legislative and organisational changes. This report ensures that the Council meets its duties. [DP/24032022B]

#### **6.0 Equalities implications**

6.1 The Council must, in the exercise of its functions, have due regard to the need to:

- a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act;
- b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

6.2 The Constitution seeks to ensure that, in its decision-making and its operations, the Council fully complies with the public-sector equality duty.

#### **7.0 Any other implications**

7.1 There are no other implications arising from recommendations in this report.

#### **8.0 Schedule of background papers**

8.1 Changes to the Constitution, Governance Committee, 22 October 2021

## **9.0 Appendices**

### 9.1 Appendix 1 - Part 4 – Full Council Procedure Rules