



**Council**  
**Thursday, 28th November, 2024 at 5.00 pm**  
**in the Assembly Room, Town Hall, Saturday Market**  
**Place, King's Lynn PE30 5DQ**

**Reports marked to follow on the Agenda and/or Supplementary Documents**

a) Cabinet : 5 November 2024 (Pages 2 - 20)

CAB74: Constitution Update

Full copies of the proposed amendments

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## CONSTITUTION INFORMAL WORKING GROUP

### TABLE OF PROPOSED SUBSTANTIVE AMENDMENTS TO CONSTITUTION:

No.	Summary	Section of constitution	Proposed change	Why?
1	Reduce numbers of Members on the regulatory bodies	Standing Order 29	<p><b>Current wording:</b></p> <p>Planning Committee 18 Members (Politically Proportional)                      Licensing and Appeals Committee 15 Members (Politically Proportional)                      Licensing Committee 15 Members (Politically Proportional)</p> <p><b>Delete and Replace:</b> Delete the numbers 18, 15 and 15 and replace with 15, 13 and 13</p>	No changes were made when Councillor numbers changed from 62 to 55 and the size of the Committees is proving onerous to fill with less overall Members
2	Bring Standing Order 34 in line with actual	Standing Order 34	<p><b>Current wording:</b></p> <p>34.1 Every Member of the Council shall have the right:                      (a) to attend any meeting of a Council body, including Task Groups and Informal Working</p>	To reflect the practice that Standing Order 34 Members are being allowed to speak at

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	<p>practice and recommended procedure</p>		<p>Groups; and                      (b) to speak at any meeting of a Council body, including Task Groups and Informal Working Groups, except, for the purposes of this Standing Order, the Licensing Committee, the Licensing and Appeals Board and the Planning Committee, and subject to:                      (i) the expiry of any statutory time limits within which representations must be made in relation to the issue or issues under consideration;                      (ii) the provisions as to declarations of interest</p> <p>provided that they shall, inform Democratic Services no later than two hours before the meeting commences of their intention to attend and to speak, as appropriate, specifying on what items they wish to be heard.</p> <p><b>Replace with:</b></p> <p>34.1 Every Member of the Council shall have the right:</p>	<p>Planning Committee and this has become an established practice.</p> <p>And to include meetings/hearings that are quasi regulatory and require higher standards of fairness.</p>

No.	Summary	Section of constitution	Proposed change	Why?
			<p>(a) to attend any meeting of a Council Body plus Informal Working Groups;</p> <p>(b) to speak at any Meeting of a Council Body plus Informal Working Groups, except, for the purposes of this Standing Order:</p> <p>i) the Licensing Committee, the Licensing and Appeals Board, Standards Committee Panel Hearings, Appointments Board Interviews and Investigatory and Disciplinary Committee Hearings</p> <p>ii) at Planning Committee only the Ward Member(s) for the relevant application/item can speak and/or, where appropriate, at the discretion of the Chair of the Planning Committee, other Members</p> <p>provided that they shall inform Democratic Services and the Chair before the Meeting commences of their intention to attend and/or to speak save that in the case of Meetings of the Planning Committee, two days clear notice shall be given of any intention to speak on an application/item along with a brief summary of what they intend to say</p>	

No.	Summary	Section of constitution	Proposed change	Why?
3	Inclusion of specific provisions covering the resignation and/or removal of the Leader during the 4 year term	Article 7	<p><b>Current Wording:</b></p> <p><b>Article 7 - The Cabinet Role</b></p> <p>7.01 The Council's Executive body shall be known as the Cabinet and shall carry out all functions which are not the responsibility of any other part of the Council or are prohibited from being an Executive function at law.</p> <p><b>Composition</b></p> <p>7.02 The Cabinet shall consist of not more than ten members including its Chair who is Leader of the Council. The Leader shall determine the number of other Councillors to be Cabinet Members and appoint them, one as Vice Chairman. The Leader shall hold office for up to a four year period, appointed at the first Annual Meeting following the Borough Council Elections until the Annual meeting immediately following those elections (Local Government and Public Interest in Health Act 2007), unless the Council resolves to remove them from the position or until</p>	Local Government Act 2000 requires a need for more specific content about the election and removal of the Leader

No.	Summary	Section of constitution	Proposed change	Why?
			<p>their resignation.</p> <p><b>Proceedings of the Cabinet</b></p> <p>7.03 Subject to Article 13.04, the proceedings of the Cabinet shall be conducted in accordance with the Rules of Procedure set out in Part 4 of this Constitution relating to executive functions.  ..... <i>continued.</i></p> <p><b>Delete and Replace With:</b></p> <p><b>Article 7 - The Leader and Cabinet Role</b></p> <p>7.01 The Council's executive body shall be known as the Cabinet and shall carry out all functions which are not the responsibility of any other part of the Council or are prohibited from being an Executive function at law.</p> <p>7.02 One Member of the Council shall be elected by the Full Council as its executive Leader and the Chair of Cabinet.</p>	

No.	Summary	Section of constitution	Proposed change	Why?
			<p><b>Composition</b></p> <p>7.03 The Cabinet shall consist of not more than ten members including its Chair who is Leader of the Council.</p> <p>7.04 The Leader appoints a Deputy Leader and up to eight other Cabinet Members.</p> <p>7.05 The Mayor and Deputy Mayor of the Council cannot be appointed to the Cabinet. In addition, no Member of the Cabinet can be a Member of the Policy Review and Development Panels or the Audit Committee.</p> <p>7.06 A Leader will be elected for a four year term at the Annual Meeting immediately following the ordinary election of Members.</p> <p>7.07 Where there is a vacancy in the office of Leader, a new Leader can be elected by the Full Council at any Full Council Meeting.</p>	

No.	Summary	Section of constitution	Proposed change	Why?
			<p>7.08 After election the Leader shall hold office until:</p> <ul style="list-style-type: none"> <li>a) They resign from the office (which shall be reported to the next Full Council Meeting);</li> <li>b) They become disqualified from being a Member (which shall be reported to the next Full Council Meeting);</li> <li>c) They are removed from office by resolution of the Full Council; or</li> <li>d) Immediately preceding the Annual Meeting following the next ordinary election of Members.</li> </ul> <p>7.09 If the Council removes a Leader from office by resolution, it must elect a new Leader at the same Full Council Meeting or a subsequent Full Council Meeting.</p> <p>7.10 The Deputy Leader shall deputise for the Leader and carry out the functions delegated to the Leader in periods of their incapacity or absence.</p>	



No.	Summary	Section of constitution	Proposed change	Why?
			<p>7.11 The Deputy Leader shall hold office for a period of four years from the date of appointment by the Leader or until:</p> <ul style="list-style-type: none"> <li>a) They resign from the office;</li> <li>b) They cease to be a Member;</li> <li>c) They are removed from office by the Leader.</li> </ul> <p>7.12 Other Cabinet Members shall hold office until:</p> <ul style="list-style-type: none"> <li>a) They resign from office;</li> <li>b) They cease to be a Member;</li> <li>c) They are removed from office by the Leader.</li> </ul> <p><b>Proceedings of the Cabinet</b></p> <p>7.13 Subject to Article 13.04, the proceedings of the Cabinet shall be conducted in accordance with the Rules of Procedure set out in Part 4 of this Constitution relating to executive functions. ..... <i>continued.</i></p> <p><b>Amend:</b> The numbering in Article 7 amended accordingly.</p>	

No.	Summary	Section of constitution	Proposed change	Why?
<b><u>FOLLOWING PROVISION NOT CONSIDERED BY THE CIWG – PROPOSED BY THE MONITORING OFFICER</u></b>				
4	Bring Standing Order 23 in line with the legislation	Standing Order 23.3	<p><b>Current Wording:</b></p> <p>23.3 When the Council proposes to appoint such a chief officer, and it is not proposed to appoint that person from a pool limited to officers who are employed by the Council, the Council shall:-</p> <p>(a) cause to be prepared, for its approval, a statement specifying the duties attaching to that post and any qualification or qualities required of any person who desires to be appointed to it;</p> <p>(b) cause arrangements to be made for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and</p> <p>(c) cause arrangements to be made for a copy of the statement mentioned in paragraph 23.3(a) of this Standing Order to be sent to any person who requests a copy of it</p>	<p>SO 23.3 (a) is effectively requiring there to be a Job Description, which on the current drafting has to be approved by Full Council. Deciding on a Job Description is in its nature very operational, undertaken in consultation between HR and relevant officers. The legislative provision requiring this SO does not prescribe there to be Full Council approval.</p> <p>There is statutory guidance (which we must have regard to) which states that any salary packages of</p>

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			<p><b>Delete in SO 23.3 (a):</b></p> <p>“..., for its approval,...”</p>	<p>chief officers over £100,000 should be approved by Full Council. This will be the procedure followed going forwards for the approval of any salary packages for new appointments to Chief Officer roles. The papers for this approval will inevitably include the Job Description as a background paper, but the Job Description should not need approval by Full Council given its operational nature.</p>

## CONSTITUTION INFORMAL WORKING GROUP

### TABLE OF PROPOSED DRAFTING AMENDMENTS TO CONSTITUTION:

No.	Section of constitution	Proposed change
1	Standing Order definitions	<p><b>Deletions:</b></p> <ul style="list-style-type: none"> <li>a) Definition for “EU”</li> <li>b) Definition of Remote Meeting</li> <li>c) Definition of “The 2020 Regulations”</li> <li>d) Paragraph 4 including 4.1-4.3 and renumber 5 into the new number 4</li> </ul>
2	Standing Order definitions	<p><b>Additions:</b></p> <ul style="list-style-type: none"> <li>a) Underneath the definition for “Council” and before “Disciplinary Action”:            “Council Body” means a body of the Council whose meetings are subject to public access under the Local Government Act 1972 or Local Government Act 2000             “Council Procedure Rules” means the Council Procedure Rules within the Constitution which set out the rules of procedure relating to Full Council</li> </ul>

b) Underneath the definition for “Chief Officer” and before “Consultation Procedure”:

“Constitution” means the Council’s constitution adopted under section 9P of the Local Government Act 2000

c) Underneath the definition for “Forward Plan” and before “Head of Authority’s Paid Service”:

“Full Council” means the Council Body made up of all Members of the Council

“Full Council Meeting” means the meetings of the Full Council as set out in the Council Procedure Rules

d) Underneath the definition for “Portfolio Holder” and before “Standards Committee”:

“Proposer” means the person that moves a motion including its recommendations and including amendments

“Regulatory Council Body” means Planning Committee, Licensing Committee, Licensing and Appeals Board and hearings/interviews of the Appointments Board/Investigation and Disciplinary Panel and Standards Committee

		<p>“Resolution” means decision of a decision-making Council Body</p> <p>“Secunder” means the person that seconds a motion from a Proposer</p> <p>“Standing Orders” these standing orders adopted as part of the Constitution</p>
4	Standing Order definitions	<p><b>Amendments:</b></p> <p>a) Replace: “Access Regulations” means the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000. Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012</p> <p>WITH</p> <p>“Access Regulations” means the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012</p> <p>b) Replace: “Chair” means the Chair of the Appropriate Committee or in their absence the Vicechair</p>

WITH

“Chair” means the Member appointed as chair of a Council Body or in their absence the Vice-Chair

c) In the definition for “Cabinet” replace: “...section 15...” WITH “...section 9C...”

d) In the definition for “Forward Plan” replace: “...Regulations 13 and 14...” WITH “...Regulation 9...”

e) Replace: “Meeting” means a meeting of the Council, Cabinet, Committee, Sub-Committee Board or Task Group as the case may be and includes a Remote Meeting, i.e. a reference to a Meeting also includes a reference to a Remote Meeting, where the definition for a Remote Meeting is met

WITH

“Meeting” means the meeting of a Council Body

f) In the definition for “Scrutiny and Overview Committee” replace: “...section 21...” WITH “...section 9F...”

5	Standing Order 1	<p><b>Replace:</b></p> <p>a) Replace: 1.1 These Standing Orders shall be used to regulate the conduct of any meeting of the Council (Cabinet, Committees, Sub Committees, Panels, Boards, delegated decisions of Cabinet)</p> <p>WITH</p> <p>These Standing Orders shall be used to regulate the conduct of any Meeting of a Council Body, plus Informal Working Groups and executive delegated decisions.</p> <p><b>Delete:</b></p> <p>b) In 1.3 delete the words “or by facsimile.”</p>
5	Standing Order 3	<p><b>Delete:</b></p> <p>a) SO 3.2</p>
6	Standing	<p><b>Delete:</b></p>



## Order 4

a) In “Extracts from Statute” delete:

“as amended by the 2020 Regulations”

And

“In respect of a reference in any enactment to a meeting of a local authority, that authority may, as they may determine—

(a) hold such meetings and at such hour and on such days; and

(b) alter the frequency, move or cancel such meetings,

without requirement for further notice. (The 2020 Regulations, reg 4)”

b) In Standing Order delete: SO 4.2 to 4.11

**Amend:**

a) Replace: 4.1 Meetings of the full Council (“the Council”) shall be conducted in accordance with these Standing Orders except to the extent that they are suspended under the procedure that is set out by Standing Order 2.

WITH

		4.1 Meetings of the Full Council shall be conducted in accordance with these Standing Orders and the Council Procedure Rules except to the extent that they are suspended under the procedure that is set out by Standing Order 2.
7	Standing Order 5	<b>Delete:</b>  a) SO 5.1 and 5.2 – renumber accordingly
8	Standing Order 6	<b>Delete:</b>  a) SO 6.5 and 6.6
9	Standing Order 8	<b>Delete:</b>  a) Standing Order 8 and replace with "NOT USED"
10	Standing Order 9	<b>Delete:</b>  a) Standing Order 9 and replace with "NOT USED"
11	Standing	<b>Delete:</b>

	Order 11	a) Standing Order 11 and replace with "NOT USED"
12	Standing Order 12	<b>Amend:</b>  a) At 12.15 replace: "s 15 & 16 (Access to information) (England) Regulations 2000" with "Regulations 10 and 11 of the Access Regulations"
13	Standing Order 14	<b>Delete:</b>  a) Standing Order 14 and replace with "NOT USED"
14	Standing Order 17	<b>Delete:</b>  a) 17.3A and reference to it elsewhere b) 17.4
15	Standing Order 18	<b>Delete:</b>  a) Standing Order 18 and replace with "NOT USED"

16	Standing Order 20	<p><b>Delete:</b></p> <p>a) The second SO 20.1</p>
17	Standing Orders contents page	Update as required
18	Throughout	<p>Make amendments to use consistent definitions of:</p> <p>“Meeting”, “Member”, “Council Body”, “Full Council”, “Proposer”, “Seconder”, “Monitoring Officer”</p>
19	Article 4.02	Add in Budget Meeting and use Council Procedure Rules and Standing Orders definitions