

## REPORT TO COUNCIL

<b>Open</b>				
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Lead Officer: Emma Hodds, Monitoring Officer E-mail: <a href="mailto:emma.hodds@west-norfolk.gov.uk">emma.hodds@west-norfolk.gov.uk</a>			Other Officers consulted: Chief Executive, Deputy Chief Executive & Section 151 Officer, Democratic Services Manager	
Financial Implications NO	Policy/Personnel Implications YES	Statutory Implications YES	Equality Impact Assessment req'd Pre-screening – neutral assessment	Risk Management Implications NO

Date of Meeting: 26 March 2026

### Constitution Review

It is the duty of the Council to ensure that its Constitution is fit for purpose and in line with legislation, to achieve this there is a Constitution Informal Working Group, supported by the Monitoring Officer and the Democratic Services Manager.

This report provides a required update to the Constitution following a review by the working group.

**RECOMMENDED:** The proposed changes to the Constitution at Appendix 1, 2 and 3 are approved, effective immediately.

### 1. Background

- 1.1 This report proposes changes to the Constitution, based on the recent work undertaken by the Constitution Informal Working Group (CIWG). The Corporate Performance Panel were also invited to the working group, as the changes herein are required to go straight to Council as the HR changes need to be actioned for the new financial year in line with discussions held with UNISON.
- 1.2 The CIWG was convened and supported by the Monitoring Officer and the Democratic Services Manager to ensure the Constitution is complete, accurate, up to date, clear, consistent, lawful and fit for purpose.

### 2. Proposed Changes

Standing Order 34

- 2.1 The Group discussed potential revisions to this Standing Order to differentiate between those Committee Members attending remotely under Standing Order 34 if they were unable to attend the meeting and those non-Committee Members requesting to speak under Standing Order 34 and agreed that it would be good to make reference to this in the Standing Order.
- 2.2 The Group agreed that providing as much notice as possible was courteous for non-Committee Members and the Monitoring Officer agreed to come up with wording regarding the deadline for notifying the Chair that Members would be attending under Standing Order 34, which would be by 12 noon, the day of the meeting, unless the meeting was being held prior to 12 noon.
- 2.3 The Group acknowledged that it was important to provide provision for non-committee Members to input into meetings and Chairs discretion was important.
- 2.4 The rules regarding giving notice, would not be applicable to Committee Members attending remotely under Standing Order 34 and the constitution would make this clear.
- 2.5 The Group discussed the time limit of 5 minutes per speech, in line with other rules and agreed that this should be stated in the Standing Order, with Chairs discretion.
- 2.6 With this proposal in mind Standing Order 34 is proposed to be amended as outlined at **Appendix 1** to this report. Note changes are emboldened and / or highlighted for ease of reference.

#### Notice of Motions

- 2.7 This revision is proposed to formalise the structure of Motions to make it clearer to Members on what resolution was required. It was noted that officers were available to support Members with the wording of Notices of Motion.
- 2.8 Motions need to be clear and concise to encourage debate and structured to firstly state what “the Council notes” and secondly “what the Council resolves to”. It is recognised that this approach is largely taken forwards for motions by Members and it is proposed that this is therefore formalised.
- 2.9 **Appendix 2** to this report, sets out the proposed addition to this section of the Constitution. Note changes are emboldened and / or highlighted for ease of reference.

#### Appeals

- 2.10 The Council as the employing body for staff has recently reviewed all policies with UNISON to ensure that these remain compliant with legislation and align where possible with the Norfolk wide approach. Presently all appeals are required to be heard by Members.

- 2.11 As a result of the review the appeal route for staff in relation to disciplinary or grievance processes now needs to rest with the Head of Paid Service within the delegation's section of the Constitution. These will then be internally delegated to senior managers in accordance with the policy. An example of the process would be as follows:
- Line Managers, Service Managers and Assistant Directors can undertake hearings
  - Chief Executive and Chief Officers can undertake hearings and appeals
- 2.12 It is noted that hearings and appeals for Statutory Officers must be heard by Members and a full report on this will be provided to the CIWG at a future date to ensure that this is fit for purpose and in line with legislation.
- 2.13 **Appendix 3** to this report, sets out the proposed deletion from the Licensing and Appeals Board and the addition to the delegations section of the Constitution. Note changes are emboldened and / or highlighted for ease of reference.

### **3. Policy Implications**

- 3.1 The review of the Constitution supports the effectiveness of the Council's governance framework which is reported on annually through the Annual Governance Statement.

### **4. Financial Implications**

- 4.1 Not applicable to this report.

### **5. HR Implications**

- 5.1 The changes outlined within this report ensure that the staffing procedures are in line with the relevant policies.

### **6. Climate Change and Environmental Implications**

- 6.1 Not applicable to this report.

### **7. Statutory and Legal Implications**

- 7.1 The report is in line with the legislative requirement under the Local Government Act 2000, Chapter 5 Supplementary, 9P Local Authority constitution, for local authorities to prepare a constitution and ensure this is kept up to date. The proposed changes are included in the appendices to this report.

### **8. Equality Impact Assessment (EIA)**

- 8.1 The pre-screening report is attached to this report and the impact is neutral.

## **9. Risk Management Implications**

- 9.1 The Constitution review and recommendations to Council seek to mitigate the following strategic risk: Corporate Governance (R7) and Statutory Compliance (R11).

## **10. Conclusion**

- 10.1 The report presented to Council is proposed by the CIWG for adoption.

## Appendix 1

### Standing Orders

#### **34A Rights of non-members to attend meetings of Council bodies**

34A.1 Every Member of the Council shall have the right:

- (a) to attend any meeting of a Council body plus Informal Working Groups;
- (b) to speak at any meeting of a Council body plus Informal Working Groups, except, for the purposes of this Standing Order:
  - (i) The Licensing Committee, the Licensing and Appeals Board, Standards Committee Panel Hearings, Appointments Board Interviews and Investigatory and Disciplinary Committee Hearings
  - (ii) In the case of Planning Committee:
    - The Ward Member(s) for the relevant application/item can speak; and/or
    - at the discretion of the Chair of the Planning Committee, other Members can speak provided that 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.

With the exception of Planning Committee, a Member shall inform Democratic Services and the Chair **by 12 noon on the day of the meeting, or by 5pm the day before if a morning meeting** ~~before the meeting commences~~ of their intention to attend and/or speak, as appropriate, specifying on what items they wish to be heard.

34A.2 Any Member of the Council speaking at a meeting of a Council body, including Task Groups, under this Standing Order must, in any event, conclude what they wish to say in relation to the issue or issues under consideration prior to any decision being taken on that issue or issues. **Any Member speaking under this rule may speak for up to 5 minutes on each agenda item, with Chairs discretion applied where appropriate.**

34A.3 The minutes of the Meeting shall record the name of any Member of the Council who is present at the meeting under this Standing Order together with any item on which they spoke.

34A.4 For the purposes of this Standing Order the right to speak at:

- (a) Cabinet is limited only to a right to make a statement, subject to the discretion of the Chair;
- (b) Scrutiny and Overview Bodies includes the right to ask questions;
- (c) Any other Council Bodies, including Task Groups and Informal Working Groups, includes the right to contribute to the debate of the item on which they wish to be heard.

## **34B Committee Members attending remotely under Standing Order 34**

**34B.1** Constituted Members of a Committee that are unable to attend under Standing Order 34 can either:

- (a) send a substitute who has their full rights physically in the meeting, or
- (b) attend virtually online, and whilst they can participate in the debate they will not be able to vote

**34B.2** A notice period is not required in this regard, as it is recognised that the need to send a substitute can occur late in the day, however it is requested where an absence is known in advance notice is provided and the Member actively seeks a substitute.

## Appendix 2

### Council Procedure Rules

#### 7 Notice of Motion

##### Notice requirements

7.3 A Member who wishes to propose a Notice of Motion must provide such notice of their proposed motion in accordance with this Rule 7.3. The notice shall:-

7.3.1 be in writing and limited to no more than 250 words;

7.3.2 state the motion that the Member desires to move in such a way that it is clear what the Member is proposing;

7.3.3 be delivered to the Chief Executive at least seven clear working days before the date of the meeting of the Ordinary Meeting at which it is proposed to debate the motion;

7.3.4 state the date of the meeting at which Council is to be invited to debate the motion if it is not the next Ordinary Meeting for which it is eligible; and

7.3.5 not contravene Rule 7.4 below.

**7.3.6 be structured to firstly state what “the Council notes” and secondly “what the Council resolves to”**

## Appendix 3

### Part 3 – Terms of Reference and Responsibilities for Council Functions

#### D Licensing and Appeals Board

- D.10 Hear and determine appeals by Council employees where such a right is part of the relevant personnel procedure.

**The above section is to be removed from the Constitution, with the following addition made in the scheme of delegation.**

#### Part 3 – Scheme of delegation

- 10 Council Functions delegated to Chief Executive

Day to day management of personnel function within the Council, including development of appropriate protocols in accordance with policy across the Council, including pay award negotiation, performance related pay, honoraria (as advised by Service managers or Management Team in the case of service head or above), leave arrangements, recruitment arrangements, disciplinary arrangements including suspension of service/compromise/termination arrangements, retirement arrangements, implementation of job evaluation **and any appeals process.**