

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>Current wording:</p> <p>Planning Committee 18 Members (Politically Proportional) Licensing and Appeals Committee 15 Members (Politically Proportional) Licensing Committee 15 Members (Politically Proportional)</p> <p>Delete and Replace: 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>Current wording:</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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	practice and recommended procedure		<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>Replace with:</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>

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			<p>(a) to attend any meeting of a Council Body plus Informal Working Groups; and</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 can speak or in [ALTERNATIVES: <i>exceptional circumstances approved by/at the discretion of</i>] the Chair of the Planning Committee, [ALTERNATIVES: <i>one other Member OR other Members</i>]</p> <p>provided that they shall, inform Democratic Services [ALTERNATIVES: <i>no later than two hours/and the Chair</i>] before the Meeting commences of their intention to attend and to speak, as appropriate, specifying on what items they wish to be heard.</p>	

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3	Inclusion of specific provisions covering the resignation and/or removal of the Leader during the 4 year term	Article 7	<p>Current Wording:</p> <p>Article 7 - The Cabinet Role 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>Composition 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</p>	Local Government Act 2000 requires a need for more specific content about the election and removal of the Leader

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			<p>resolves to remove them from the position or until their resignation.</p> <p>Proceedings of the Cabinet 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>Delete and Replace With:</p> <p>Article 7 - The Leader and Cabinet Role 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</p>	

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			<p>of Cabinet.</p> <p>Composition</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</p>	

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			<p>Full Council Meeting.</p> <p>7.08 After election the Leader shall hold office until:</p> <ul style="list-style-type: none"> a) They resign from the office (which shall be reported to the next Full Council Meeting); b) They become disqualified from being a Member (which shall be reported to the next Full Council Meeting); c) They are removed from office by resolution of the Full Council; or d) Immediately preceding the Annual Meeting following the next ordinary election of Members. <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>	

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			<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"> a) They resign from the office; b) They cease to be a Member; c) They are removed from office by the Leader. <p>7.12 Other Cabinet Members shall hold office until:</p> <ul style="list-style-type: none"> a) They resign from office; b) They cease to be a Member; c) They are removed from office by the Leader. <p>Proceedings of the Cabinet</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.</p> <p>..... <i>continued.</i></p> <p>Amend: The numbering in Article 7 amended accordingly.</p>	

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<i>FOLLOWING PROVISION NOT CONSIDERED BY THE CIWG – PROPOSED BY THE MONITORING OFFICER</i>				
4	Bring Standing Order 23 in line with the legislation	Standing Order 23.3	<p>Current Wording:</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</p>

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			<p>Delete in SO 23.3 (a):</p> <p>“ ..., for its approval,...”</p>	<p>that any salary packages of 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>