

Peer Review

Peer Review Recommendation	Current Constitution Reference	Proposed Changes/Options
<p>The administration intends the cabinet panels should not adversely impact current or future O&S activities. Peers recommend clarification of the governance arrangements between O&S and cabinet panels.</p>	<p>1) Panels terms of reference are not part of the Constitution, however they specifically state: <i>“The Panel shall endeavour not to duplicate the work of the Overview & Scrutiny Committee or its Task and Finish Groups.”</i></p> <p>2) 2.2.2 Cabinet Panel is defined under the Constitution as (and relevant part in bold): <i>“This is a group of members that has been established by Cabinet as an investigatory and advisory body to Cabinet, Executive Members or relevant Service Directors on a subject area that falls within their terms of reference.”</i></p>	<p>1) Propose to change terms of reference to read “The Leader and Deputy Leader, together with the Chair and Vice-Chair of Overview and Scrutiny Committee and relevant officers will agree a work programme for the Panels to ensure that there is no duplication with the work of the Overview and Scrutiny Committee or its Task and Finish Groups, ensuring the Panels and the Committee use their time to positively benefit the Council and our communities”.</p> <p>2) 2.2.2 Propose to add to end of definition of Cabinet Panel “...terms of reference. For the avoidance of doubt the Panel will not duplicate the work of Overview and Scrutiny Committee.”</p>
<p>The current membership of O&S was considered to be too large and would benefit from reducing from 15 members to 11 or 9.</p>	<p>6.2.1 <u>Membership</u> <i>“No more than 16 Members shall be appointed to the Overview and Scrutiny Committee.”</i></p> <p><i>NB quorum – 6.2.3 currently 5, could consider reducing this to 4 if the membership is reduced, although given the nature of the Committee suggest keeping at 5..</i></p>	<p>Amend 6.2.1 (a) to twelve (12) members.</p>
<p>The size of the planning committee was perceived to be too large and should be subject to review and reduce in size to either 9 or 11 members.</p>	<p>8.4.1 Membership <i>“No more than fifteen (15) members shall be appointed to the Planning Control Committee.</i></p> <p><i>NB quorum – 8.4.2. currently 5. Usually a third of the membership. Could consider reducing this if</i></p>	<p>Amend 8.4.1 to twelve (12) members.</p>

	<p><i>the membership is reduced, although given the nature of the Committee may wish to keep 5.</i></p> <p><i>[Note - members may be requested to present to a Planning Appeal any Planning Control Committee objections to a planning application or reasons for refusing an application.]”</i></p>	
<p>Lessen the number of call-ins by tightening up criteria for a call-in. Give reasons related to material planning considerations only, not simply in the “public interest” which is too vague and raises objectors’ expectations for refusal. Call ins only on specific planning considerations.</p>	<p><i>“8.4.5 The Planning Control Committee shall determine :....</i></p> <p><i>8.4.5(c)(iii) within three (3) weeks of the matter appearing in the weekly lists of applications a Member requests in writing the matter to be determined by the Committee:</i></p> <p><i>1 detailing the reasons based upon one or more material planning considerations; or</i></p> <p><i>2 detailing the reasons that the matter is in the wider public interest.”</i></p> <p>NB. Neither of the above alters the current requirements within the Constitution that where a Member makes such a request, they should attend the relevant Committee meeting to present their reasons/grounds to the Committee. If they are unable to attend the relevant Committee meeting the member must arrange for another member to present on their behalf or provide a written statement presenting their reasons/grounds, otherwise the item may be deferred.</p>	<p>To implement the recommendation that call in reasons be material planning consideration only, amend 8.4.5(c)(iii) to read</p> <p><i>8.4.5(c)(iii) within three (3) weeks of the matter appearing in the weekly lists of applications a Member requests in writing the matter to be determined by the Committee detailing the reasons based upon a valid material planning consideration in the opinion of the Service Director: Regulatory or the Chair of the Planning Control Committee.</i></p> <p>An alternative would be to keep the current approach but change the “or” to “and” so that a call in would have to be both a material planning consideration and in the wider public interest</p> <p><i>8.4.5(c)(iii) within three (3) weeks of the matter appearing in the weekly lists of applications a Member requests in writing the matter to be determined by the Committee:</i></p> <p><i>1 detailing the reasons based upon one or more valid material planning considerations in the opinion of the Service Director: Regulatory or the Chair of the Planning Control Committee; and</i></p> <p><i>2 detailing the reasons that the matter is in the wider public interest.</i></p>

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		<p>Delete the wording below (as either of the amendments should prevent the following):</p> <p>Members should not require an application to be referred to the Planning Control Committee for decision solely to enable a person to speak.</p>
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Additional Proposed Changes – substitutes

Issue	Current Constitution Reference	Proposed Changes/Options
<p>A need for further flexibility in the rules regarding substitutes, to try to ensure full representation on committees</p>	<p>4.8.4 Appointment of Substitute Members of Committees, Sub-Committees and Panels</p> <p>(a) As well as allocating seats on Committees, Sub-Committees and Panels the Council will allocate seats in the same manner for substitute Members.</p> <p>(b) For Committees or Sub-Committees listed at 4.8.4(d) below and Panels, but not the Cabinet, the Council will appoint a proportionate number of substitutes in respect of each political group as that group holds ordinary seats on that Committee, Sub-Committee or Panel. The number of substitutes shall be a maximum of 40% of the total of each group’s full committee or Panel membership rounded up to the nearest whole number.</p> <p>(c) The Democratic Services Manager (‘the Proper Officer’) may change substitutes on Committees, Sub-Committees or Panels for a meeting at the request and in consultation with the relevant Group Leader providing:</p>	<p>4.8.4 Appointment of Substitute Members of Committees, Sub-Committees and Panels</p> <p>(a) As well as allocating seats on Committees, Sub-Committees and Panels the Council will allocate seats in the same manner for substitute Members.</p> <p>(b) For Committees or Sub-Committees listed at 4.8.4(d) below and Panels, but not the Cabinet, the Council will appoint a proportionate number of substitutes in respect of each political group as that group holds ordinary seats on that Committee, Sub-Committee or Panel. The number of substitutes shall be a minimum of two substitutes for each political group and a maximum of 50% of the total of each group’s full committee or Panel membership rounded up to the nearest whole number.</p> <p>(c) The Democratic Services Manager (‘the Proper Officer’) may change substitutes on Committees, Sub-Committees or Panels for a meeting at the request and in consultation with the relevant Group Leader providing:</p>

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	<p>(i) any Member substituting must have undertaken any pre-Committee compulsory training before such a request is made to act as the substitute; and</p> <p>(ii) the request is sent in writing to the Proper Officer at least 7 clear working days before the meeting.</p> <p>(iii) The appointment as substitute is for a particular meeting and shall then cease.</p> <p>(d) The Committees for which substitutes are permitted are; Employment Committee, Planning Control Committee, Overview and Scrutiny Committee, Finance, Audit and Risk Committee, Council Tax Setting Committee, Joint Staff Consultative Committee and the Standards Committee. Substitutes are allowed for Panels.</p>	<p>(i) any Member substituting must have undertaken any pre-Committee compulsory training before such a request is made to act as the substitute; and</p> <p>(ii) the request is sent via email to the Proper Officer at least 7 clear working days before the meeting.</p> <p>(iii) The appointment as substitute is for a particular meeting and shall then cease.</p> <p>(d) The Committees for which substitutes are permitted are; Employment Committee, Planning Control Committee, Overview and Scrutiny Committee, Finance, Audit and Risk Committee, Council Tax Setting Committee, Joint Staff Consultative Committee and the Standards Committee. Substitutes are allowed for Panels.</p>
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Additional Proposed changes - Flexible Meetings Regulation: Standing Orders/ Constitutional changes

Issue	Current Constitution Reference	Proposed Changes/Options
<p>Section 3 getting information</p> <p>Change of definition for inspection in line with the Regulations/ access to information proposed in Section 15.</p>	<p>3.1.1 (c)</p> <p>(c) Information available prior to a meeting At least five clear working days before a meeting, the agenda, any report likely to be discussed and background papers to that report shall be available for inspection at the offices of the Council. Further detail and clarification is provided in Section 15.</p> <p>Change of definition for inspection in line with the Regulations/ access to information proposed in Section 15.</p>	<p>Amend wording to:</p> <p>(c) Information available prior to a meeting At least five clear working days before a meeting, the agenda, any report likely to be discussed and background papers to that report shall be available for inspection as detailed in Section 15.</p>

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<p>Change of definition for inspection in line with the Regulations/ access to information proposed in Section 15.</p>	<p>3.1.1 (d) (d) Information available at a meeting The Council will make available to the public present at a meeting a reasonable number of copies of the Agenda and of the Reports for the meeting (save during any part of the meeting to which the public are excluded). Further detail and clarification is provided in Section 15.</p>	<p>Amend wording to: (d) Details of information available at a meeting are set out under Section 15.</p>
<p>The public taking part in a meeting 3.2 (ii) to cover off types of behaviour, colloquially known as ‘zombombing’/ crashing meetings and disrupting them electronically in some way.</p>	<p>3.2 Getting Involved (c) Taking Part in Meetings (i) Members of the public can come to and speak at any meeting which is open to the public. The rules on when you may speak and for how long are contained in Section 4.8.9. (ii) The Council operates openly and transparently and recognises that citizens may wish to utilise social media during meetings (including recording meetings). This engagement is welcomed provided that Council business is not disrupted or disturbed. Examples of disruptive behaviour can include:- • moving to areas outside the areas designated for the public without the consent of the Chair; • excessive noise in recording or setting up or re-siting equipment during the debate/discussion; • intrusive lighting and use of flash photography; and • asking for people to repeat statements for the purposes of recording.</p>	<p>Amend to: (c) (i) Members of the public can speak at any meeting which is open to the public. The rules on when you may speak and for how long are contained in Section 4.8.9. Add new (ii) • Where the meeting is held partly or wholly through remote means, conduct or use of electronic methods or imagery to disrupt the meeting.</p>
<p>3.4</p>	<p>3.4 Adverse Weather 3.4.1 If prior to a meeting of any Committee adverse weather conditions are expected which will affect the ability of those attending the meeting (public, Councillors or Officers) to travel</p>	<p>Add: 3.4.1 If prior to a meeting of any Committee adverse weather conditions are expected which will affect the ability of those attending the meeting (public, Councillors or Officers) to travel</p>

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	safely, it shall be the responsibility of the Chair of the Committee, in consultation with the most senior Officer attending the Committee to determine whether to postpone the meeting. The Proper Officer shall be responsible for advising the public, Councillors and Officers of the postponement and setting a new date to re-convene the meeting in order to conclude the original agenda as soon as possible	safely, it shall be the responsibility of the Chair of the Committee, in consultation with the most senior Officer attending the Committee to determine whether to postpone the meeting, or hold this as a virtual meeting only . The Proper Officer shall be responsible for advising the public, Councillors and Officers of the postponement and setting a new date to re-convene the meeting, or that it will be a virtual meeting , in order to conclude the original agenda as soon as possible.
Section 4		
4.6 Council meetings	4.6 There are three types of Council meeting:- 4.6.1 the annual meeting; 4.6.2 ordinary meetings; and 4.6.3 extraordinary meetings.	Add 4.6 Council Meetings For all purposes of the Constitution the term “meeting” is not limited in meaning to a meeting of persons all of whom, or any of whom, are present in the same place and may be wholly or partly through remote means including (but not limited to) video conferencing, live webcast, and live interactive streaming provided such remote means are legally permissible under relevant legislation.
	4.8.5 Time and Place of Meetings and Agenda setting the Agenda and Recording of Meetings by the Council (a) The time and place of meetings will be determined by the Proper Officer and notified in the summons.	Add: (a) The time and place of meetings will be determined by the Proper Officer and notified in the summons. Place is to be interpreted as where a meeting is held, or to be held, and includes reference to more than one place including electronic, digital or virtual locations through remote means such as internet locations, web addresses or conference call telephone numbers. (d) The Council takes an audio recording of all parts of its committee meetings which the public are entitled to attend. This and any visual recording the Council takes are retained in

		accordance with the Council's data retention policies.
<p>Needs to be updated to reflect flexible arrangements in the Regulations. NB Includes the reference to meetings management system – e.g. Modern.gov, as ordinarily members provided Notice this way via that app.</p>	<p>4.8.6 Notice of and Summons to Meeting (a) The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules in Section 15. At least five clear days before a meeting, the Proper Officer will send a summons signed by them by post to every Member of the Council or leave it at their usual place of residence. The summons will usually be despatched prior to the statutory minimum five clear days and will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available (subject to the requirement at 15.5 that all reports must be available at least five clear days before the meeting unless the report is genuinely urgent).</p>	<p>Amend to: (a) The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules in Section 15. At least five clear days before a meeting, the Proper Officer will publish the summons and with date, time, place and specify the business to be transacted, and will be accompanied by such reports as are available (subject to the requirement under Section 15, that all reports must be available at least five clear days before the meeting unless the report is genuinely urgent).</p> <p>New 4.8.6 (b) (b) For all purposes of the Constitution, the terms “notice”, “summons”, “agenda”, “report”, “written record” and “background papers” when referred to as being a document that is: (i) “open to inspection” shall include for these and all other purposes as being published on the Council’s website (or electronic meetings management system); (ii) to be published, posted or made available at Council’s offices includes publication on the Council’s website (or electronic meetings management system).</p>
<p>Quorum</p>	<p>Quorum and Members in Remote Attendance of Meetings 4.8.8 The quorum of a meeting will be one quarter of the whole number of Members. During any meeting if the Chair counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn</p>	<p>Amend 4.8.8 Quorum and Members in Remote Attendance of Meetings 4.8.8(a) and add (b) Remote Attendance of Members:</p>

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	<p>immediately. In the event that there is a quorum present for subsequent agenda items, the meeting will resume. Remaining business will be considered at a time and date fixed by the Chair. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.</p>	<p>(b) A Member is in remote attendance if the conditions under 4.8.23 (a) (i)-(iii) are met.</p>
	<p>4.8.9 Presentations by the public (d) Notice of Presentations A presentation may only be made if notice has been given in writing or by electronic mail to the Proper Officer no later than midday, two working days before the day of the meeting.</p>	<p>Add: (d) Notice of Presentations A presentation may only be made if notice and the presentation have been given in writing or by electronic mail to the Proper Officer no later than midday, two working days before the day of the meeting.</p>
	<p>4.8.16 Voting (a) Majority Unless this Constitution provides otherwise, and subject to Standing Order 4.8.24, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put. (c) Method of Voting Unless a recorded vote is demanded under 4.8.16(e) the Chair will take the vote either by show of hands or (where available) by use of electronic voting buttons, or if there is no dissent, by the affirmation of the meeting.</p>	<p>Delete: (a) 'and present in the room' Amend to: (c) Method of Voting Unless a recorded vote is called for or applied under 4.8.16(e), (f) or (h) the Chair will take the vote by: (i) electronic voting system(s) for remote voting and, or voting in the Chamber; or (ii) roll-call of Members and the number of votes for, against or abstaining will be recorded; or (iii) show of hands; or (iv) if there is no dissent, by the affirmation of the meeting. Only a recorded vote will be detailed in the minutes, although there will be a record if an</p>

		electronic voting system is used, or audio or visual recording of the meeting taken.
Remote access for the press and public	<p>4.8.19 Exclusion of Public Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Section 15 of this Constitution or Standing Order 4.8.21 (Disturbance by Public).</p>	<p>Amend to:</p> <p>(a) A member of the public is entitled to attend a public Council meeting. Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Section 15 of this Constitution or Standing Order 4.8.21 (Disturbance by Public).</p> <p>(b) If during a remote meeting the Chair is made aware that a public meeting is not open to the public, due to any technological or other failure, then the Chair shall adjourn the meeting. If the provision of access through remote means cannot be restored within a reasonable period, then the remaining business will be considered at a time and date fixed by the Chair. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.</p>
	<p>4.8.20 Members' Conduct</p>	<p>Add 4.8.20 (h) Where a Member is required to leave under (d) or (e) above, the means of remote attendance and access is to be disconnected whilst any discussion or vote takes place in respect of the item or items of business to which this relates or remainder of the meeting in the case of (d).</p>
	<p>4.8.21 Disturbance by Public (a) Removal of Member of the Public If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.</p>	<p>Amend to include: (a) Removal of Member of the Public If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting. If this meeting is partly or wholly remote, then use of language, or electronic methods or imagery which disrupts the</p>

		<p>meeting (whether intended or not) would lead to the person being muted, and or video stream from them being disabled to excluded them from any further participation.</p>
	<p>4.8.23 Decision Making (a) In order to vote on an agenda item at any meeting of the Council or a Committee or Sub-Committee, a Member must be present in the room for the entirety of the debate and consideration of that item.</p>	<p>Amend to include: (a) In order to vote on an agenda item at any meeting of the Council or a Committee or Sub-Committee, a Member must be present for the entirety of the debate and consideration of that item. A Member in remote attendance is present and attends the meeting if at all times they can: (i) hear, and where practicable see, and be so heard and, where practicable, be seen by, the other Members in attendance; and (ii) hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and (iii) be heard when entitled to speak and, where practicable, be seen by any other members of the public attending the meeting.</p> <p>If the above are not met and as soon as the Chair is made aware, the Chair may:</p> <p>(iv) adjourn the meeting for a short period to permit the conditions for remote attendance of a Member contained in (a) above to be re-established; or if quorate (v) continue to transact the remaining business of the meeting in the absence of the Member in remote attendance.</p>

Application to Committees and Sub-Committees	4.8.24 Application to Committees and Sub-Committees	To make any consequential changes to numbering that result from approved amendment to the Council Procedure Rules.
Section 8		
Section 8 Licensing & Appeals	8.3.1 Licensing Sub-Committee add reserve member who is 'present' throughout the hearing to provide additional resilience in the event of technological reasons and can therefore be part of the decision making if any of the 3 drop out of the meeting.	Add: Three (3) Councillors shall be appointed to a Licensing Sub-Committee and one non-voting reserve Councillor. Footnote: NB in the event that one of the voting Councillors cannot attend, has a conflict or is unable to participate for the whole of the meeting, the reserve shall become a voting Member of the Sub-Committee for quorum and decision making purposes.
Section 15		
Access to Information rules	Section 15 Access to information Rules 15.3 Current wording as set out in black. Amendment provision based on the Lawyers in Local Government proposed model wording for access to information.	15.3 Rights to Attend Meetings Members of the public may attend all meetings subject only to the exceptions in these rules. Attendance includes access to the meeting being through remote means including (but not limited to) video conferencing, live webcast, and live interactive streaming and where a meeting is accessible to the public through such remote means the meeting is open to the public whether or not members of the public are able to attend the meeting in person.
	15.4 Notices of Meetings Additional wording	15.4 Notices of Meeting Unless a meeting is convened at short notice, the Council will give at least five clear days' notice of any meeting by posting details of the meeting at the Council offices and on the Council's website. Reference to 'published, posted or made available at the Council offices' includes

		publication on the Council’s website (or electronic meetings management system).
	15.5 Access to Agenda and Reports Before the Meeting	Add Reference to ‘available for inspection’ includes being published on the Council’s website (or electronic meetings management system).
	<p>15.6 Supply of Copies</p> <p>15.6.1 The Council will supply to Members of the Committee copies of the agenda and reports for that Committee.</p> <p>15.6.2 The Proper Officer will ensure that copies of the agenda and reports are made available at the meeting of the Committee for any other Member, or member of the public, who attends the meeting. This is subject to 15.23.1.</p> <p>15.6.3 If you are not a Member of the Committee you should access the agenda and reports via the Council’s website .</p> <p>15.6.4 The Chair of Overview and Scrutiny Committee will receive copies of all reports for every Committee whose business can be scrutinised by Overview and Scrutiny Committee and any individual Executive delegated decision that could be subject to call-in.</p> <p>Renumbering references in Section 15 will apply if approved.</p>	Delete – as Members obtain reports via Modern.gov and can request access to meeting papers that way if not on the Committee or Cabinet.
	<p>Old 15.7 – new 15.6</p> <p>15.6 Access to Minutes etc after the Meeting</p> <p>Renumbering references in Section 15 will apply if approved.</p>	Add Access to minutes, decisions and other relevant documents and copies includes being published on the Council’s website (or electronic meetings management system).
	<p>Old 15.9 Summary of Public’s Rights new 15.8</p> <p>15.8 Summary of Public’s Rights</p>	Delete, as contained with the constitution on the web.

	<p>A written summary of the public's rights to attend meetings and to inspect and copy documents will be kept at, and made available to the public at the Council's main offices.</p>	
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